Photo by Peggy Fagerstrom

HAPPY NEW YEAR — Nome celebrated the arrival of 2007 with a gigantic firework display compliments of a group of dedicated Nome residents.

The Nome Nugget

Alaska's Oldest Newspaper

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VOLUME CVII NO. 1 JANUARY 4, 2007

DEC issues air permit to Rock Creek Mine

By Diana Haecker

On December 22, the Department of Environmental Conservation issued an Air Quality Control Minor permit to Alaska Gold Company to operate rock crushers and other emission-producing equipment at the Rock Creek mine and mill complex.

The DEC received 21 public comments from Nome residents, the Northern Alaska Environmental Center and AGC.

Nome residents' main concerns were over dust kicked up from increased truck traffic, as AGC proposes to haul ore from Big Hurrah to the Rock Creek mill facility 24/7 and year-round at 90-minute intervals. The DEC responded that it has no regulatory authority to through the air quality permit to include permit conditions to control dust on the road between Rock Creek and Big Hurrah because the road is open to the public. "The Department has been told by the Alaska Department of Transportation and Public Facilities that they have funding in the short term to provide dust control on the state maintained roads," says the DEC document to respond to comments.

"The Department also suggests to members of the public concerned about dust from the state maintained roads that they work with DOT employees and their state legislators to ensure DOTPF has adequate funding to provide dust control or to request paving or other measures that may be necessary," says the response to the dust comment.

DEC did not answer the public's question as to how dust will be monitored.

Pat Kelliher with Nome's DOT told *The Nome Nugget* that the DEC had called him up to verify the dust issue brought up by 20 members of the public commenting on the permit. Kelliher said that he confirmed the statement that the dust situation is bad in Nome and that his department has secured special funding for calcium chloride for the 2007

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Nome's economy not affected by Corps' suspension of Rock Creek permit

By Diana Haecker

A letter by the Nome Chamber of Commerce to District Court Judge Ralph Beistline predicted a gory outlook for Nome businesses all geared up to supply Alaska Gold Company with services and goods to build the Rock Creek mine and mill complex, if the judge decides to grant an injunction in the civil lawsuit brought against the Corps of Engineers.

Three private citizens, Jana Varrati, Sue Steinacher and Austin Ahmasuk, and a group called Bering Strait Citizens for Responsible Resource Development filed a lawsuit in the U.S. District Court in November, alleging that the Army Corps of Engineers did not follow National Environmental Policy procedures, the Clean Water Act and the National Historic Preservation Act in issuing a 404 wetland permit to Alaska Gold Company's Rock Creek mine project.

Without a court order, the Corps suspended the permit on December 6 to conduct its own internal review, reconsideration and reassessment of the permit procedure, during which time it prohibited AGC to further destroy delineated wetlands.

Since then, AGC continued to work at Rock Creek in areas that were previously disturbed while the permit was still good. AGC General Manager Doug Nicholson told *The Nome Nugget* last week that work continues as Alaska Mechanical Industries workers poured concrete for the shop and warehouse building foundations.

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Council hands trapping issue to NPC

By Diana Haecker

When an ordinance to ban trapping of animals within city limits came before the Nome Common Council for the second reading last week, the council decided to hand the much-debated issue over to the Nome Planning Commission.

Prior to the public requests and grievances period, Councilman Jerald Brown made the motion to table the ordinance and refer it to the planning commission for further study. Councilman Jon Larson seconded the motion, saying that the issue at hand is that of competing land uses within the city and that the planning commission is designed to deal with land use topics such as this. Larson added that he hopes that the different trail users could come to an agreement without having the city government legislate the issue.

Councilwoman Mary Knodel did not agree and was the only nay vote to table the ordinance.

During the public requests and grievances period, Nancy McGuire said that in her opinion the council is ducking the issue. She stated that she often takes her dogs out on a leash for walks within the city and they get into the scent sprayed along the trails to lure critters into the traps. "Anyone trapping in the City is flat out lazy," she said. "They have the whole wilderness outside the City limits to trap."

Dissatisfied with the council's action to pass the issue to the planning commission, McGuire said, "It's time to get an ordinance on this and it's time to take some action and the council are the people to do it."

Trapper Mike Quinn took to the podium later and thanked the council for tabling the ordinance and

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Photo by Diana Haecker

SAFETY PATROL — Walking Nome streets at 1 a.m. on New Year's Day were volunteers keeping Nome residents and visitors safe during the New Year's celebration. Bertha Koweluk and Berda Willson braved the chilly -11°F temperatures during their safety patrol walk down Front Street.

Goodbye to yellow utility bills

By Sandra L. Medearis

Good and bad news came out of a Nome Joint Utility work session last week. The bad first: NJU's manager, John Handeland, has been spinning the tea leaves and predicts oil for the utility's generators could come across Nome's port the at the same or higher price than last summer when the price did not take the usual summer drop. Of course, western Alaska must take delivery in the summer when barges can come into ice-free waters.

But now the sort of good news: In face of prices going aloft for fuel oil, NJU's board has decided to hold the fuel surcharge for next year at this year's level.

This year, the fuel surcharge adds about 14 cents per kilowatt for most customers plus a base energy cost of 17.5 cents per kilowatt. The total price per kilowatt is reduced by about 15 cents from state power cost equalization funds."Over the course of the summer last year, there was a price dip at the end of August, but now it has shot up again," Handeland said Saturday. "We are hoping for a summer dip this year as historically has been the case, except for last summer."

In other utility news, NJU will phase in a more modern billing system in April. The system will help NJU bookkeepers by better tracking people moving in and out, which has relied in many cases on the sharp eyes and ears of NJU staff. For example, transitions in flat rate

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•DEC

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summer before the mining issue ever came up.

Kelliher said that he plans to put dust-deterrent calcium chloride on roads around Nome, Nuk, Safety, Dexter, hopefully Cottonwood and Teller.

Kelliher added, "I am very concerned about dust on the road. It not only is a health issue, but it's a danger on the road, especially in the cuts on the Nome-Council Highway. We've been concerned about that for years."

Kelliher said that his crew could coat four miles of road a day with the calcium chloride. "First we have to prep it, grade the road, put down the calcium-chloride, water the road and then grade it again before it's finally compacted," Kelliher explained the process.

Daily costs are a total of $30,000 for crew and equipment ($5,000/day) and 24 tons of calcium chloride (eight tons at $1,000 a ton).

Kelliher said that public input in spending requests such as asking for special dust control earmarks to Juneau is always needed.

The concern that dust resulting from blasting in the pit is not addressed in AGC's fugitive dust plan, DEC answered, "It is not technically feasible for AGC to control dust from blasting."

A person requested a public hearing, and DEC answered, "The Department allowed 30 days for written comments on the preliminary air permit. The Department does not believe there is any reason that comments received orally in a public meeting would convey any additional information which could not be conveyed in a written comment."

The response to comments issued by DEC is posted at http://www.dec.state.ak.us/air/ap/docs/AQ0978MSS01rtc.pdf

•Economy

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"Right now, the permit suspension has not impacted us," Nicholson said. Nicholson had previously said that AGC understands that these construction steps are taken at own risk.

"If [the suspension] carries on, it will have some impact on us, but now it doesn't," he said.

Nicholson said that AGC currently employs 38 people and that AGC has not layed off anybody due to the permit suspension or the litigation. "We made a commitment to people that we hired them for a long-lasting job. We do everything we can to get through this time," Nicholson said.

Contrary to Nicholson's statement, the Nome Chamber of Commerce's executive director Mitch Erickson said in a letter addressed to District Court Judge Ralph Beistline that there are "a number of lives disrupted due to the layoffs caused by this action."

Erickson stated in the letter that an injunction would have serious adverse affects on several Nome businesses and that they have invested in excess of $3 million in products and inventory to provide the mine over the winter months.

Erickson responded to a comment request by *The Nome Nugget* via email to the question if the letter was submitted as a requested affidavit by the parties involved in the lawsuit, saying that the Chamber of Commerce has no intention to intervene and that the letter was not requested by anyone.

Erickson questioned the plaintiffs in the letter to judge Beistline, saying, "Bering Strait Citizens state that they "seek to further the strong public interest. In this statement they infer that they have a strong public support for their position. Until this lawsuit was made, no one had ever heard of the Bering Strait Citizens for Responsible Resource Development. And since the filing, who BSC is remains a community mystery. For all we know they are a front for The Trustees of Alaska and The Western Mining Action Project."

An article published in the November 30, 2006 *Nome Nugget* newspaper was about the genesis of the group, its membership, board of directors and goals.

Sue Steinacher was stunned by the Chamber's letter dated December 14 and entered into public record, and responded, "There is no mystery. We are a totally Nome-grown, grassroots citizens group formed to help local people to be more informed about resource development projects and to advocate for decisions that adequately protect local people's uses of the land."

Steinacher went on to explain that she does not pose as a front for any outside interest and that the Bering Strait Citizens for Responsible Resource Development is "nothing other than neighbors, friends and family here in Nome and the Bering Strait region who feel the public has not been adequately informed about or protected from the potential long-term negative impacts of a hard rock mine in our backyard."

The plaintiffs went on the record and commented during the public hearing held in Nome and handed in written comments to the Army Corps of Engineers, DEC and DNR.

Erickson also listed five Nome businesses — Bonanza Fuel, Sackett Inc., Quality Auto Parts, Nome Outfitters, Boynton's and Q Trucking — "that are now been [being] asked to pay for the lack of attention the Plaintiffs gave to the permitting process."

Erickson declined to comment on

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•Council

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moving it to the planning commission. Quinn mentioned that he had prepared a handout, but he will save it to support his testimony at the planning commission.

The next Planning Commission's meeting is scheduled for January 9 at 7 p.m. at the City Hall.

Other citizens' requests and grievances included Scott Henderson from Bonanza Fuel informing the council of the Citizens Energy discounted heating oil program. Starting December 22, Bonanza fuel began to participate in the program and offers low income residents of Nome to buy up to 200 gallons of heating oil 40 percent below retail price.

Mitch Erickson took to the podium with the news that Skagway recently became a borough. Erickson said that in the light of the recent NSEDC election controversy, the Nome community may contemplate the idea of becoming a borough to allow residents outside the city limits, yet part of the community, to vote legally and also give fishermen the opportunity to participate legally in NSEDC votes.

Lucille Evans approached the council to appeal the non-renewal of her husband's chauffeur license. The council scheduled a work session to hear the particulars on the matter for January 2 at noon.

In other business, the council passed ordinances to:

• Lease space at the Gold Hill Tutit Ininat Child Care Building to Kawerak's Uiviilat Play and Learn Center.

• Eliminate the personal property tax on business inventories held for resale.

• Vacate portions of the right of way platted within blocks 135 and 138 in Nome.

The council also passed a resolution to support the Alaska-Siberia Lend-Lease memorial. The Alaska Siberia Research Center has funds for memorials in Fairbanks and Nome. The Fairbanks memorial has been built and dedicated. Mayor Denise Michels said that the Nome memorial is the next site to be developed, and the organization is looking for a suitable location. She suggested the creation of a committee to help the process along.

The council passed a motion to approve the new snow storage and disposal site license agreement and annual use fee of $500 for licensees. Councilman Larson asked about the lights at the new snow removal pad north of the Nome Bypass Road, as he has seen them burning the whole time. City Manager Randy Romenesko said that the city contracted with NJUS to install the poles and the lights, and with Q Trucking, whose electrician did not yet get to install a meter base and the switch for those lights.

Romenesko gave his manager's report thanking Carl Emmons, Steve Pomrenke, Shawn Pomrenke, Jerry Krier, Greg Kruschek, the SPARC club, Marty Rudd and Colby Carter for fixing and installing the lighted cross at the steeple of Old St. Joe's Hall. Romenesko said that the lights failed in December 2004, six years after they were initially installed.

Romenesko also congratulated the Nome Volunteer Ambulance Department for its recertification as an emergency medical service by the State of Alaska. Romenesko thanked Charlie Lean and the volunteers who provide this valuable service to the community.

Romenesko reported that NorthWind Architects of Juneau were selected as the designer for the new NACTEC house to provide living quarters for 26 students and house parents. He hopes to recruit a project superintendent early next year.

Romenesko wished all a Happy New Year. "I hope 2007 is as successful as 2006," Romenesko said. 2006 saw the completion of the Army Corps of Engineers Nome Harbor improvements, another school renovation project and a low turnover in key city staff.

During council members comments, councilman Randy Pomeranz requested a work session to discuss the sales tax on construction and the personal property tax for residential housing.

Councilman Brown wished all a Happy New Year.

Councilman Larson reminded elders to file their property tax exemption forms. He also thanked The Nome Arts Council, Peter Bente and all involved in the Community Chorus for the wonderful Holiday concert.

Mayor Denise Michels said that she finalized her Department of Military and Veteran's Affairs transition report and submitted it to Governor Sarah Palin's transition team.

•Blodgett

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probate procedures regarding his father's properties. Rick Blodgett named his son in his will, which left "all properties, bank accounts, stocks and insurance policies" to his children. These assets included Teller Power Co and other commercial enterprises.

The other will beneficiaries, including sister, Luann Blodgett, said OK to this hearing, but argued against R.D. Blodgett's right to receive any benefits of Rick Blodgett's will.

Esch agreed. While the younger Blodgett argued that being cut out of his dad's will was unjust because he (R.D.) was physically disabled, faced unforeseeable medical expenses, had a diminished capacity for earning and had ongoing psychological needs. According to court documents, R.D. Blodgett's own witness said Blodgett was adept at operating heavy equipment and had skills as a mechanic. The lower court found these skills could lead to jobs worth a range of $40,000 to $50,000 a year. Additionally, R. D. Blodgett owned property. Future medical expenses would likely be met by Alaska Native Health Services. Esch concluded that the surviving Blodgett would not be "beggared" without inheritance from his father.

R.D. Blodgett appealed Esch's ruling.

The Supreme Court on Nov. 17 said Esch had properly used his discretion in saying R. D. Blodgett could not benefit from killing his father, and that application of the "slayer statute" did not violate R. D. Blodgett's constitutional rights.

Some states have "slayer statutes" that say the killer cannot benefit if the killing was intentional; Alaska's law simply requires the killing to be unlawful. Under Alaska's criminal laws, all unjustified killings equal felonies.

Blodgett served prison time after his conviction on criminally negligent homicide in the death of Richard "Rick" Blodgett on Sept. 14, 2003. Indicted on murder in the second degree, the younger Blodgett entered a plea of no contest to the lesser charge. In summary, Alaska Supreme Court found R.D. Blodgett not entitled to obtain benefits under his father's will and that no injustice resulted from the forfeiture.

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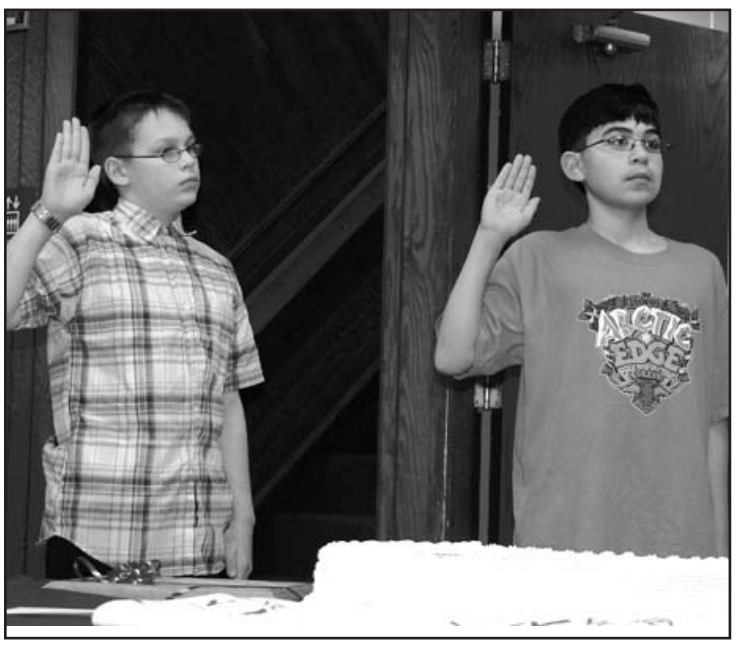

Photo by: Jamie Saghafi

TAKE OATH — Donald Handeland and Joel Jorgensen are sworn into Nome Youth Court.

•Economy

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the losses, saying, "I don't have the ability to speak for the individual businesses — regarding any losses or potential losses."

According to Mark Sackett, owner of Sackett Inc., which is contracting with AMI to provide the mine construction workers with breakfast, lunch and dinner at what used to be Que Onda's, he had to layoff five employees when AMI didn't need his food services over the Christmas holidays. He said that the contract with AMI keeps his restaurant business afloat during the winter time. "I would be closed for sure if it weren't for them," Sackett said. He added that the Corps' pulling the permit created "a bigger mess than you'd think" and added, "I'm glad that people are getting hired back and that we can re-open on January 2."

Sackett said that he is taking it one step at a time, hoping that the mine will be on-line as scheduled to provide steady year-round work for people.

Bonanza Fuel's manager Scott Henderson declined comments if his business suffered losses due to the Corps' permit suspension.

Nome Outfitters manager Logan Hebel said he didn't notice any negative effects at his store. "The only change we saw was that a lot of the workers from outside of Nome bought a lot of cell phones," Hebel said.

Quality Auto Parts owner Jeff Darling told *The Nome Nugget* that he and his business support the mine project wholeheartedly. "We are 100 percent behind the project," Darling said. "The majority of the businesses in Nome speak with one voice through the Chamber of Commerce, and we support this mine."

Q Trucking did not return *The Nome Nugget's* requests for comment.

The Nome Chamber of Commerce letter also suggests that the plantiffs post a bond that would be similar to the amount of money the local businesses invested to provide goods and services to the mine.

Photo submitted by Breanne MacFarland

NOME YOUTH COURT — Youth Court members take a break from conferences in Kodiak to watch the sea lions sunbathe and play in the water. Pictured in photo: (back , l to r) Jenna Schmidt, Tara Schmidt; (middle, l to r) Breanne MacFarland, Anna Hahn, Iris Wieler, Adem Boeckmann, Nina Wideman, Jamie Saghafi ; (kneeling) Sterling Sam.

Nome Youth Court participants keep busy

By Breanne MacFarland, Nome Youth Court Coordinator

Nome Youth Court serves as an alternative to the traditional juvenile justice system that empowers youth and communities to take an active role in addressing the early stages of youth delinquency. First-time offenders are tried and sentenced through a peer-operated program. This encourages peers to be involved in the decision-making process for dealing with juvenile delinquency and allows youth who have committed crimes to be sentenced by judges their own age. It also helps youth gain hands-on knowledge of the juvenile and criminal justice systems.

The members of Youth Court have been busy over the last couple of months attending conferences to broaden their understanding of Youth Courts and adjudicating sentences to Nome youth offenders.

Youth Court members are dedicated to improving the program by developing life skills classes which defendants can be sentenced to take. In October, Anna Hahn, Tara Schmidt, Nome Youth Court Coordinator Breanne MacFarland, and Kawerak's Wellness Coordinator Kirbi Fullwood traveled to the Mat-Su Valley to observe their youth-run alcohol education class and returned to Nome with the intent to implement a similar program.

On January 12, 2007, Nome Youth Court and Kawerak will hold their first youth run alcohol education class, which will be offered to first time minor consuming alcohol offenders.

In addition, Jenna Schmidt, Sterling Sam, Nina Wideman, Iris Wieler, Tara Schmidt, Adem Boeckmann and Anna Hahn attended the statewide Youth Court Conference held in Kodiak, Alaska.

At this conference, Nome's Youth Court members were able to interact, brainstorm, motivate and be motivated by other youth from Anchorage, Delta Junction, Sitka, Wrangell and many other Youth Courts around the state. Youth attended conferences on public speaking, courtroom etiquette, leadership, legal education, careers in law, creative sentencing and many others. Jenna Schmidt, Nome Youth Court President, comments on the conference, "We learn from our peers and are revitalized to help other youth who've gotten in trouble. It's fun to meet people around the state who are passionate about helping others."

Recently, United Youth Courts of Alaska sponsored a leadership conference which two Nome youth attended. Anna Hahn and Donald Handeland attended this conference where they participated in exercises on values, how to be an effective board member, Maslow's hierarchy of needs (a youth version and an adult version), and recruitment methods. Hahn shares, "I liked how they showed us how adults and youth interact with each other. They showed us how adults view us, and reminded us how we view adults. I really appreciated seeing both sides. One thing adults forget is that kids have responsibilities too, it's true."

December 12, Honorable Judge Brad Gator swore into Nome Youth Court two new members: Donald Handeland and Joel Jorgensen. Both new members took an oath to serve as outstanding community members who will respect the courts of justice and judicial officers with truth and honor, and maintain the dignity of Nome Youth Court to improve the administration of juvenile justice.

Even among all these beneficial learning experiences and conferences, Nome Youth Court has seen 14 cases in the last four months and has sentenced nearly 200 hours of community work service. These youth have been working hard to be the best possible judges and attorneys that they can be, growing to continue to benefit this community and the court system.

Bering Strait School District Calendar of Events

Tenth Annual Spelling Bee
Grades 4 - 8
Wales
January 11

Upcoming
BSSD Academic Decathlon
White Mountain
January 22

The Piledrivers, Bridge, Dock Builders and Divers Local 2520 are accepting applications for the 2007 apprenticeship program. Applications will be accepted until 3/1/07, with classes beginning 4/2/07.

The apprenticeship is a four year, 5200 hour program. Apprentices must go to school in Anchorage for a minimum of 144 hours each year and receive pay raises every 1300 hours of apprenticeship. The Piledrivers and Divers Union will pay for schooling. Apprentices may have to pay for books, travel and tools. Financial assistance is available for those that qualify. Students must be able to pass drug and alcohol screening, be at least 18 years old, have a high school diploma or GED, possess a valid driver's license and be an Alaska resident.

Further information may be found on our web site,
http://www.local2520.org/
For an application, call, e-mail or write to:
Piledrivers and Divers Local 2520
Attn: Apprenticeship Program
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Nome Youth Court meets once a week upstairs at the Nome Boys and Girls Club. If you or someone you know is interested in joining, call **Breanne MacFarland, NYC Coordinator, at 443-5888** for more information

Photo by Shari Murphy

CLEARING — The DOT airport crew worked diligently clearing the runway at Nome's International Airport after the big blizzard last week.

The Nome Nugget

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VOLUME CVII NO. 3 JANUARY 18, 2007

Photo by Peggy Fagerstrom

AFTER THE STORM — The additional snow suited the children of Nome just fine as they busted out their sleds, sliding down the hill by the graveyard. Alexis Clemens had a great time in 0°F, working up rosy cheeks and a healthy appetite.

Jane Doe 3 evidentiary hearing; trial date set

By Diana Haecker

A civil lawsuit involving a third woman claiming sexual abuse by KNOM founder and former Nome priest Jim Poole is scheduled to go through an evidentiary hearing April 24 and 25, 2007 at Nome's superior court.

Similar to a hearing in the case of Jane Doe 2, Doe 3 now has to establish that the statute of limitations – meaning the time when she realized she had been hurt and that she may have reason for a lawsuit – has not run out in her case.

Jane Doe 3 alleges that Poole had first sexually assaulted her in 1968 when she was in eighth grade and raped her in a dark hallway at the rectory in 1969 when she was 15 years old.

Court documents say that Jane Doe 3 was raised in Nome. Poole was born in 1924, was ordained as a priest in 1952 and was given the authority to serve as a Roman Catholic priest in 1957. Court documents say that during his 40-year career with the CBNA and the Jesuits, he was assigned to work in Holy Cross, Pilot Station, Marshall, Mountain Village, St. Mary's, Barrow and Nome.

Court papers claim that as early as 1961, Bishop Francis Gleeson was aware of Poole's suspicious behavior towards young girls. Poole then was Mission Superior at the St. Mary's Mission. "Bishop Gleeson was specifically told that Father Poole frequently took young girls, aged 12 or 13, into a secluded, private section of his office, and spent hours at a time alone with these children and that something improper was suspected to be going on between these children and Father Poole," say court documents.

As a result of complaints by Ursuline nuns and the failure to stop spending time with young girls, Poole was removed from his position as headmaster of St. Mary's boarding school in 1965 and was sent to work in an all-boys high school in Portland.

Poole was allowed to return to Alaska in 1966, first to Barrow, which was characterized as 'least dangerous' by church officials. In 1967, Poole was re-assigned to Nome to works as the parish priest and to establish the radio station KNOM.

Alaska attorney Ken Roosa and California lawyer John Manly represent Doe 3; they filed the lawsuit in July 2005.

The defendants are 82-year-old Jim Poole, who resides in a Jesuit retirement home in Spokane, Washington and his employers the Catholic Bishop of Northern Alaska

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Huge storm whips Nome

By Diana Haecker

Almost a week after a blizzard whipped through the region, Nomeites are still digging out of the record snowfall of over 20 inches accumulated on January 9 and 10. The blizzard lasted for 30 hours, building up momentum on Tuesday and reaching its full force the following day. While Monday saw temperatures of close to - 30°F, the mercury shot way up to 32°F by Tuesday, reported the National Weather Service.

The blizzard descended on the area with a vengeance, causing Nome to completely shut down on Wednesday, January 10.

At 3 p.m. City Manager Randy Romenesko urged citizens to not drive the streets, to stay home and notified the public that the Public Works department ceased operations at 5 p.m. due to unsafe working and traveling conditions. "Please stay home," was the urgent message sent to all.

Nome Public Schools had earlier announced that both Nome-Beltz high school and the elementary school were closed. The airport shut down. Hanson's Safeway store and AC closed early to send their employees home safely, most shops and organizations did the same, even the bars shut their doors as people hunkered down to wait out the storm. Only a few residents had to endure power outages and for the most part, the phone lines held up to the raging winds.

Not so lucky were 16 Alaska Mechanical workers who were stranded in whiteout conditions at Alaska Gold Company's Rock

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Lawsuit against Corps remanded

By Diana Haecker

District Court Judge Ralph Beistline last Thursday issued a final judgement in the civil lawsuit filed by Sue Steinacher, Jana Varrati, Austin Ahmasuk and the group Bering Strait Citizens for Responsible Resource Development against the U.S. Army Corps of Engineers over issuing a permit for Alaska Gold Company's Rock Creek mine.

An order to remand the case came out during the last business days of last year, meaning that the issue is in the hands of the Corps. The Corps voluntarily took back the permit in December, saying that it will review the permit, documents and come out with a new decision, reissuing, modifying or revoking the permit. Judge Beistline added that the Corps has to give the plaintiffs notice 10 days before the Corps' decision becomes effective.

Photo by Diana Haecker

SHOVELING— Doug Sydomann battles the elements on Wednesday, January 10, trying to keep the sidewalk on Front Street free of snow.

Photo by Diana Haecker

HAPPY VALENTINE'S DAY — Kelly Thrun's kindergarten class was busy making beautifully decorated valentine boxes. Proudly displaying their creative boxes are (left to right) Dawson Evans, Courtney Merchant, Sam Bourdon, Charles Brown, Jonathan Outwater, Kastyn Lie, Erin Johanson, Ashlynn Kowchee, Daynon Medlin and Brayden Bahnke.

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VOLUME CVII NO. 7 FEBRUARY 15, 2007

Army Corps review of Rock Creek permits still in progress

By Diana Haecker

A story published in the Alaska Journal of Commerce on February 11 quotes Army Corps of Engineers Col. Kevin Wilson admitting that the corps has made a mistake in issuing a wetland permit for the Rock Creek mine. Wilson is quoted in the article as saying, "We made a mistake. We didn't do a proper job in preparing the decision document."

According to the article, the comments were made during a briefing on the Corps' activities at a February 1 meeting of the Resource Development Council.

The section 404 wetlands permit was issued to Rock Creek mine developer Alaska Gold Company in August 2006. The permit was challenged in U.S. District Court in Anchorage by three individual Nome residents — Sue Steinacher, Jana Varrati and Austin Ahmasuk — and a Nome group called Bering Strait Citizens for Responsible Resource Development. A month after news of the lawsuit broke, on December 6, the Corps voluntarily withdrew the permit with the argument that it would reevaluate the permit's decision document.

In a request by *The Nome Nugget* for clarification, to tell Nomeites when the Corps expects to be done with the internal reevaluation, the Corps' spokesman Tom Findtner answered, "In response to the U.S. District Court's remand of the permit decision to the Corps of Engineers, the Alaska District is in the process of re-evaluating its decision on the Alaska Gold Company's permit application for the Rock Creek Mine project. We are working diligently to complete the review as quickly and thoroughly as possible. However, there is no set timetable for making a decision."

Asked if the Corps expects to

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AP Photo/Al Grillo

AND THEY'RE OFF !— Shane Barber from Willow and Evan Booth from Nome take off from the start of the 2,000 mile Iron Dog snowmobile race in Big Lake last Sunday. Twenty-eight teams left the starting line for the 1,100 mile ride to Nome before heading to the finish in Fairbanks, Alaska.

Photo by Diana Haecker

PLUTO EXISTS— During a "space" show performed for parents last week at the Nome Elementary School, Courtney Merchant of Kelly Thrun's kindergarten class represented Pluto in the lineup of stars and planets. The thematic unit for the month of January was space. The class read books about space and the now eight planets, played space games and learned new space vocabulary. The culminating activity was a space program performed for the families.

Nome Common Council OKs sale of property near port to NSEDC

By Laurie McNicholas

The Nome Common Council approved an ordinance authorizing sale of the City's interest in the "Reindeer Plant," along with property and rights of way adjacent to the plant, to the Norton Sound Economic Development Corporation at a noon meeting Feb. 12. NSEDC will pay $1 million for the property which is located in the port area.

Noting that part of the motivation for transferring property from the City to other entities is to get the property on tax rolls, Councilman Jon Larson said he would like to amend the sale contract for the property to ensure that it would remain subject to taxation even if NSEDC eventually were to sell it to a non-profit entity. Participating in the Council meeting by phone, attorney Brent Edwards advised the Council that NSEDC might want to renegotiate the agreement to purchase the property if the agreement is amended. Edwards is with the law

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Nome has shortage of Iditarod overflow housing

By Diana Haecker

Nome Visitor and Convention Bureau Director Josie Stiles has a recurring problem that is even more pronounced this year. Awaiting the usual March onslaught of visitors to Nome during Iditarod time, she is faced with a shortage in commercial hotel beds and more demand for overflow housing than is offered. As time mercilessly ticks away, Stiles still needs 24 places for visitors coming to Nome during Iditarod time. And every day, more calls come in with housing requests.

Overflow housing is a fancy word for Nomeites opening their homes to guests and becoming bed and breakfast hosts for the busy time in March when approximately 2,500 visitors flood the 3,500 population.

In addition to Iditarod mushers, their families, handlers and fans, the Lonnie O'Connor Iditarod Basketball Tournament brings in another 40 teams consisting of eight persons per team plus coaches, families and basketball fans.

In a memo to the city manager, Stiles wrote that a steady decline in available commercial accommoda-

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•Rock Creek —

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reissue the permit for Rock Creek Mine, Findtner responded, "At this point, we still are reviewing the permit application and decision document. A determination on whether to reinstate the permit for the Rock Creek Mine project has not been finalized."

No decision is official until the Alaska District commander, Col. Wilson, signs the decision document. In the case of Rock Creek Mine, a final recommendation has not been forwarded to the commander for approval yet. Findtner said that the decision document for the permit at Rock Creek Mine did not contain sufficient information and analysis regarding all of the data in the official file.

With the voluntary withdrawal of the permit, the lawsuit became moot. US District Court Judge Ralph Beistline last Friday denied the plaintiff's motion to reconsider his judgement of throwing out the lawsuit. However, the Corps said a new version of the revised permit would be available for the plaintiffs to review ten days before it becomes effective.

At press time, the plaintiff's lawyer Vicki Clark with Trustees for Alaska said she had not receive any notice of a revised wetlands permit from the Army Corps of Engineers. Ahmasuk and Varrati said they hadn't received any notice either. Steinacher is traveling and could not be reached.

Alaska Gold vice president Doug Nicholson told *The Nome Nugget* that the Corps has not given Alaska Gold Company any indication of when the internal permit review process would be done. "They made requests for information, but that is about it," Nicholson said.

Rick Van Nieuwenhuyse, president of NovaGold Resources Inc. told *The Nome Nugget* that the Rock Creek construction schedule has been delayed as a result of the delays in permitting. "We have been restricted in the wetlands areas that we can disturb, thereby limiting our work efforts. Fortunately, we have so far not had to lay off any of our Nome workforce, as we have been able to redeploy them onto other jobs around the construction site — mainly pouring cement foundations for the truck shop, mill facilitates and reagent building," Van Nieuwenhuyse said. The recent mild weather has also helped, he added. "However, if the Trustees for Alaska, on behalf of the three Nome plaintiffs, do renew their lawsuit on a newly issued permit, as we suspect they will, and they are successful in their request to the Court for a Temporary Retraining Order, then the project will be more seriously delayed. We hope that this does not happen, as we would be forced to lay off most, if not all, of the local workforce," Van Nieuwenhuyse said.

"I believe that NovaGold/Alaska Gold followed the process and procedures outlined under the current laws regarding permitting a mine in Alaska. We have held numerous public meetings and we have communicated our plans to the community for several years now. It is disappointing to me that a few local residents of Nome have chosen to launch this action," said Van Nieuwenhuyse.

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Photo by Nikolai Ivanoff

SNAKE RIVER VALLEY — After a three-month review, the Army Corps of Engineers reinstated a modified wetlands permit for Alaska Gold Company's Rock Creek mine located on the slopes of Mt. Brynteson in the Snake River Valley.

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VOLUME CVII NO. 10 MARCH 8, 2007

Photo by Diana Haecker

HONORARY MUSHER— Tekla Monson, daughter of the late Susan Butcher, was the honorary musher, wearing bib number 1, during the ceremonial start of the 35th Iditarod last Saturday in Anchorage. Driving the sled with her is her father, Butcher's husband Dave Monson.

Corps reinstates Rock Creek wetland permit

By Diana Haecker

Last week the Army Corps of Engineers announced that they intend to reissue the section 404 wetlands permit for Alaska Gold Company's Rock Creek mine.

"After a thorough re-evaluation of the application and decision document, Corps officials determined that the Alaska Gold Company's permit is consistent with applicable laws and regulations," reads the Corp's press release.

"Based on its own independent analysis, which considered information provided by the permit applicant and involved coordination with the State of Alaska's Large Mine Team, the Corps reached a finding of no significant impact in its environmental assessment," the Corps' press release said.

Changes to the original wetlands permit include a reduction in wetland destruction acreage from 414.5 acres to 346.5 after errors in the permit application drawings were discovered that marked uplands as wetlands.

The Corps' press release highlights the Gold Company's plans to reestablish fish and wildlife habitat along Big Hurrah by using the historical mine tailings for their project.

"Alaska Gold will retrieve mine tailings that historically were disposed of in stream channels and use the material for road construction and other work associated with the project. Then the company will recontour these stream channels to a more natural condition," said the Corps' release. However, the method of destroying vegetation

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Iditarod XXXV: Off to a cold start

By Diana Haecker

A field of 82 Iditarod mushers began their 1,200-mile long journey from Willow to Nome in earnest on Sunday starting at 2 p.m.

Every two minutes, dog teams were unleashed and shot out of the starting chute, past throngs of people waving and screaming, across Willow Lake until the trail disappeared into the trees and took the mushers out of sight. The $785,000 Iditarod Trail Sled Dog race is on its way.

Sunny skies made for a perfect family outing day. The official start was a welcome reason for a party, complete with barbecues set up and the smell of burning wood and roasted sausages carried by a stiff breeze all across the lake.

It was going to be a cold night, that first night of Iditarod 35.

The National Weather Service forecasted lows of -45°F for the mushers nearing the Alaska Range.

And in a way, the weather already claimed the first casualty.

Funky weather that left Alaskan trails hard as cement and unforgiving caused the first giant to fall. On Monday, news reached mushing fans that Montana musher Doug Swingley had scratched after a crash that left him injured with possible broken ribs and a dislocated thumb. Swingley, who has won the race four times and came in second last year, scratched in Puntilla Lake checkpoint. "We don't know what happened," said Iditarod spokesman Chas St. George. "There was glaciated ice on a sidehill trail and Swingley lost control." At press time on Monday night, St. George said that Swingley himself isn't really sure what happened and that he's still trying to jog his memory. St. George said that no dogs were injured in the accident. Swingley decided to scratch at 12:36 p.m. on Monday.

Mushing experts in the press had focused on The Gang of Four — Martin Buser, Jeff King, Doug Swingley and Robert Sorlie— now narrowed down to the Gang of Three. But one should not forget about a field of solid teams that are just vying for the "big" guys to make a mistake and be there to bust a move.

The $785,000-Iditarod has lots of dark horses, and the trail this year will make or break a team. It broke Swingley already.

After a winter with good snow coverage, a freak warm spell across Alaska thawed snowy trails. As temperatures dropped down below freezing again, the trails compacted and resembled ice rinks more than mushing trails. There was not much snow to speak of after the big thaw. While this affected the whole state, the handicap regarding training was equally shared by most Alaskan mushers. Now it's a matter of who will escape injuries the best, either through luck or ice skating abilities.

After the ceremonial start in Anchorage, mushers were ready to move on and get going with the real thing. "It's time to go," summed up Kotzebue musher Louis Nelson, Sr., as he was waiting at the parking lot with his son Darin. Nelson drew bib number 49. Just next to him was his nephew John Baker, with start number 48, who quietly attached a snow hook rope to his self-designed-and-built sled. Baker seemed calm, collected and confident as ever. A few spots away from Baker was Akiak's Mike Williams, bib number 43, who showed race official Art Church his mandatory gear: trail mail, cooker, sleeping bag, booties, snow shoes. All there. "It's been hard getting here," said Williams. "But once we get going, it's gonna be good. I hope

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Photo by Nancy McGuire

ALL DRESSED UP —Karena Bartlett shows off her new millenary creation she fashioned at the hat making session last week in preparation for the Miners and Mushers Ball this Saturday.

Photo by Diana Haecker/2006Nugget archive

LINDBLOM CREEK— A photo taken in November 2006 shows Glacier Creek Road and abandoned culverts in frozen Lindblom creek. Water flows over the road, with no culvert in place.

Photo by Diana Haecker/2006 Nugget archive

CULVERT— Two abandoned culverts sit in the middle of Lindblom Creek while water flows freely over Glacier Creek Road with no culvert in place.

•Rock Creek

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that re-colonized the old tailings and disturbing the stream channels again is not without controversy. The Board of Fisheries is concerned about this, and Jim Marcotte, executive director of the BoF, said that a letter to the Department of Natural Resources and the Department of Transportation is in the works that cautions the departments to use streambed gravel for road improvements.

> *"We are committed to protecting important aquatic resources, while allowing reasonable development within the state of Alaska,"...*

Deputy Chief of the Corps' regulatory division Kevin Morgan also explained to *The Nome Nugget* that in the Corps' reasoning, "mitigation is defined as avoidance, minimization and compensation."

Since wetlands are going to be replaced with concrete, mill and mining facilities, and a large acreage will be turned into a dump for pulverized and chemically treated rock, the Corps said compensation is required. "Alaska Gold Company is required in consultation with USFWS and the Corps to develop and implement a mitigation plan to offset the unavoidable loss of wetlands and high-value bird habitats," Morgan said.

Morgan also repeated AGC's proposal to fill the mine pits with water "to create fish over-wintering habitat."

In terms of accountability and enforcement oversight, Morgan quotes a special condition dealing with a culvert at Lindblom Creek. Morgan wrote in an email interview that the condition "requires replacement of the Lindblom Creek culvert on Glacier Creek Road with one of sufficient size and design to accomodate increased flows was rewritten to include what we would consider non-compliance with the condition."

There is no culvert in place at the described location. Lindblom Creek still runs across Glacier Creek Road while old discarded culverts are sitting in the middle of the stream on the downhill side of the road.

The Corps suspended the original wetlands permit issued on August 21, 2006, after the Nome citizens group "Bering Strait Citizens for Responsible Resource Development" and three individual Nomeites— Austin Ahmasuk, Sue Steinacher and Jana Varrati— filed a civil lawsuit in November 2006 at the US District Court in Anchorage.

The lawsuit, filed by the public interest law firm Trustees for Alaska and the Western Mining Action Project, alleged that the Corps illegally issued a Clean Water Act Section 404 wetlands permit by violating the National Environmental Policy Act and the National Historic Preservation Act.

The plaintiffs claimed that the Corps should have prepared an Environmental Impact Statement to independently determine the effects of the open pit mines proposed for Rock Creek and Big Hurrah on human health and the environment. They also claim that the Corps did not consult with local tribes to satisfy National Historic Preservation Act requirements.

The permit was issued on August 21 and authorized AGC to place 13.7 million cubic yards of fill on 414.5 acres of wetlands.

After the Corps voluntarily suspended the permit, the lawsuit was tossed out by order of US District Court Judge Ralph Beistline.

The newly instated permit will take effect March 13, when the Corps' Alaska District commander Col. Kevin Wilson is expected to sign the final paperwork.

"We are committed to protecting important aquatic resources, while allowing reasonable development within the state of Alaska," Wilson said. "I'm confident that this decision is a positive reflection of our efforts to provide an equitable balance that is in the public's best interest."

The Corps, however, did not address the issues brought up by the lawsuit, mainly the lack of the thorough environmental review that the plaintiffs were suing about. Trustees for Alaska lawyer Vicki Clark told *The Nome Nugget* that she is reviewing the new permit language. "We haven't come to a decision whether to refile the lawsuit," Clark said last week.

Plaintiff Sue Steinacher expressed disappointment, saying, "While we hoped for more from the Corps, I can't say that this action comes as any surprise." She said that the decision to file the suit wasn't based on whether it could be won or not. "It was based on what we believed was the right thing to do. I continue to believe that the people of Nome deserve an

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"The Must-Do Fun Iditarod Event"

Miners & Mushers Ball

Saturday, March 10

7 p.m. - Midnight

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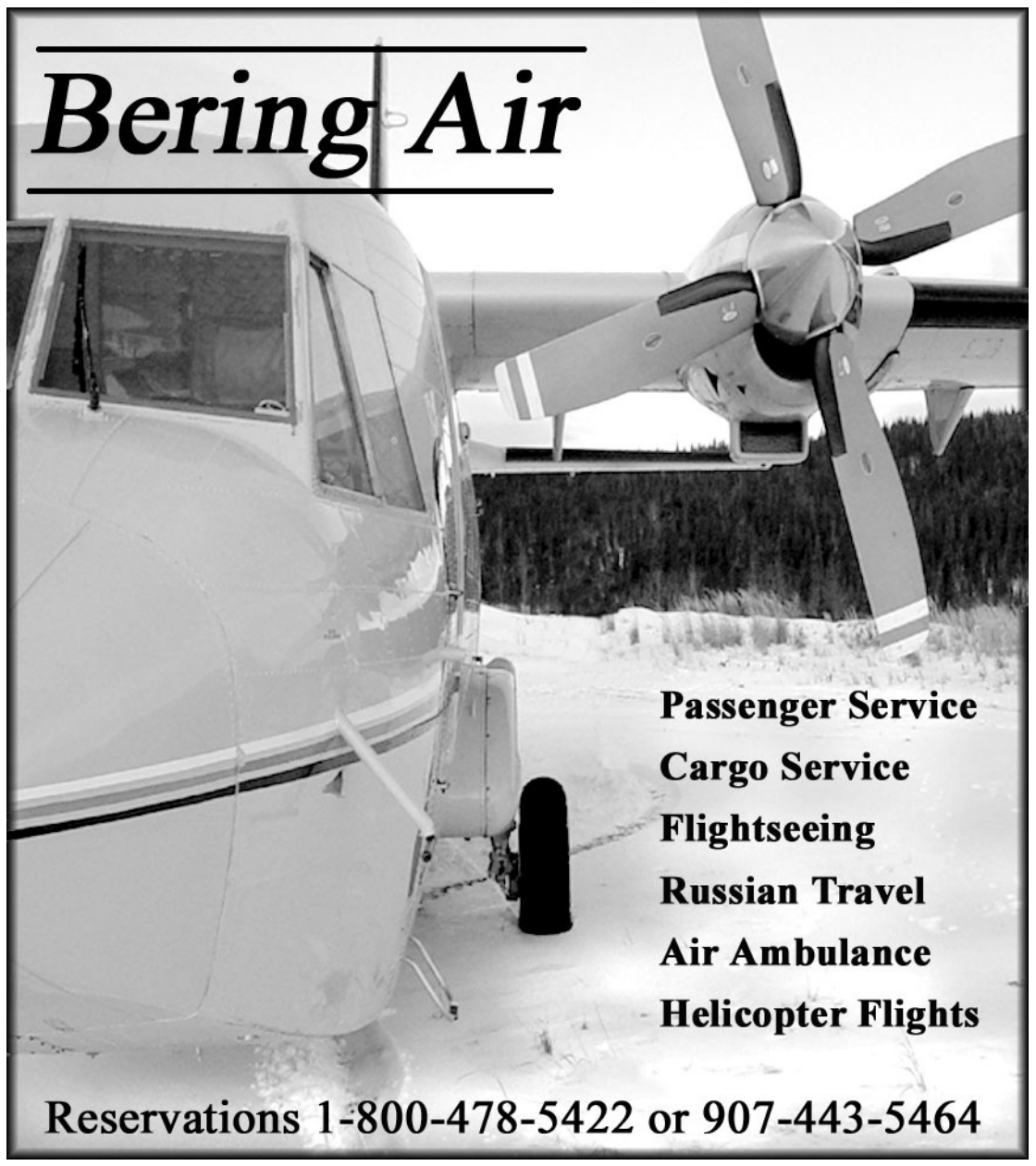

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Corps explains permit reinstatement

After the Army Corps of Engineers issued a press release announcing the reinstatement of the Section 404 Clean Water Act wetlands permit for Alaska Gold Company's Rock Creek mine, Kevin Morgan, deputy chief of the U.S. Army Corps of Engineers Regulatory Division, responded to questions asked via email by *The Nome Nugget* reporter Diana Haecker.

Nome Nugget: The press release said, "based on its own independent analysis, which considered information provided by the permit applicant and [....] the large mine team...", how has the analysis been independent if its based on the applicant's input and the state's input?

Kevin Morgan: The Corps Regulatory Program permit application evaluation process is information driven. The applicant, as the project proponent, is required to provide us information about the project. We also solicit comments and information from the public, other agencies, and individuals via a Public Notice. The State also has information needs due to its permit application requirements. It is the Corps' responsibility under the National Environmental Policy Act, Corps Regulatory Program regulations, and the Section 404(b)(1) Guidelines, to independently analyze all this information and decide whether it is accurate.

NN: What is the reduction in acreage to place fill material based on?

KM: As a result of the Corps suspending the permit and our directive that no new fill be placed in wetland areas or other areas subject to our jurisdiction, Alaska Gold Company had its consultants review the wetland mapping submitted on the permit application drawings. It was discovered there were drafting errors on the permit application drawings; there were areas mapped as wetlands in the footprint of the North Development Rock Dump, Tailings Storage Facility, and the access and haul roads that were in fact uplands.

NN: Which special conditions were clarified, and how, to improve enforceability?

KM: Several special conditions were clarified. Some conditions were either re-written or language was added to specify what we would consider to be non-compliance with the condition, and/or to require Alaska Gold Company to undertake certain actions. For instance, Special Condition 3, which requires replacement of the Lindblom Creek culvert on Glacier Creek Road with one of sufficient size and design to accommodate increased flows, was re-written to include what we would consider non-compliance with the condition.

NN: Which agency or authority will be enforcing the conditions?

KM: The Corps of Engineers has the discretionary authority to enforce its permits, including the special conditions.

NN: What are the other mitigation measures to reduce the project's impacts?

KM: The Corps' Regulatory Program defines mitigation as avoidance, minimization, and compensation for impacts. Compensation can include restoration of disturbed areas, creation of new aquatic areas, enhancement of existing aquatic areas, purchasing or placing conservation easements on valuable habitat areas, or the payment of an in-lieu fee to a land trust.

Some of the measures include:

Higher value willow habitat, which provides habitat for birds and moose in the area, was avoided in the applicant's proposed project plan where practicable. In addition, Alaska Gold Company is required in consultation with USFWS and the Corps to develop and implement a mitigation plan to offset the unavoidable loss of wetlands and high-value bird habitats.

The mine pits will be filled with water to create fish over-wintering habitat. This will create 41 acres of waters of the U.S.

Wetlands will be reclaimed at the temporary organic overburden stockpiles and the water management systems; this will result in the reclamation of 106 acres of waters of the U.S.

NN: How will disturbing vegetation that colonized the historic mine tailings in the streams contribute to healthier streams?

KM: Replanting or redistributing of willows salvaged from other disturbed areas to increase bank or slope stability and removing and re-contouring historical placer tailings provides banks for stream establishment while allowing for additional flood capacity. Establishment of riparian vegetation, including willows, would also provide shade for fish. The re-contouring of the stream would increase sinuosity of the stream channel as well as create pools for fish.

NN: The Corps suspended the permit in response to the civil lawsuit filed in US District Court. Were any of the allegations in the lawsuit addressed in the modified permit language?

KM: A Corps permit describes the work that is authorized and the special conditions. Detailed analysis and rationale which leads to the permit decision is in the Permit Evaluation Decision Document.

•Rock Creek

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Environmental Impact Statement. I continue to believe that our suit was an effort to stand up for democracy. I anticipate that these convictions will continue to guide our next step," Steinacher said.

NovaGold issued a press release, saying that they believed the lawsuit to be without merit and that the process undertaken by the Corps, along with the voluntary public consultation and information process undertaken by NovaGold, complied with applicable laws and gave ample opportunity for all stakeholders to be heard prior to final permits being issued on August 21, 2006.

"We are pleased with the Corps' decision to reinstate the permit, and have appreciated the support expressed for the project by the community of Nome, and in particular the Bering Straits and Sitnasuak Native Corporations," said Peter Harris, senior vice president and chief operating officer at NovaGold.

"The result of the permit review supports our belief that both NovaGold and the U.S. Army Corps of Engineers followed all necessary procedures when permitting Rock Creek.

"Construction ahe plant site has continued as allowed, and to this point there have been no significant impacts to the schedule. With the permit reinstated, we can now resume work at other areas on site and anticipate that production will begin at Rock Creek in Q3-2007."

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Photo by Diana Haecker

SHISHMAREF SPRING CARNIVAL FINALE — Drummers from Shishmaref and the region gathered at the end of last Saturday's Shishmaref Spring Carnival championship basketball game to coax the winning Teller team into performing a victory dance. (See story page 8.)

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Photo by Diana Haecker

INTENSE— Shishmaref musher Percy Nayokpuk is about to dash out of the start chute during last week's Shishmaref Spring Carnival Herbert Nayokpuk The Shishmaref Cannonball sled dog race. Percy Nayokpuk is one of the founders of the race, now in its 27th year. (See story page 8.)

Lawsuit refiled

By Diana Haecker

For the second time, Nome residents and a Nome-based citizen group filed a lawsuit in federal district court in Anchorage challenging the Army Corps of Engineers issuance of a wetlands permit for Alaska Gold Company/NovaGold's Rock Creek mine near Nome.

On Wednesday, April 18, the Anchorage based public interest law firm Trustees for Alaska and the Western Mining Action Project law firm filed the complaint on behalf of Bering Strait Citizens for Responsible Resource Development and individual plaintiffs Sue Steinacher and Jana Varrati.

The defendant is the Army Corps of Engineers.

The federal wetlands permit allows NovaGold to proceed with the development of Nome's first open pit, hard rock mines at Rock Creek and Big Hurrah and the destruction of wetlands to build a mine and mill complex in Snake River Valley, as well as a large tailings storage facility.

The permit was originally issued in August 2006 after the Corps found no significant impact on the health of humans and the environment as a result of the mine, which proposes to use a combined floatation and cyanidation process to extract the gold from the crushed rock. Instead of an in-depth environmental review called an Environmental Impact Statement, usually triggered by large developments of extractive industrial endeavors, the Corps gave Alaska Gold Company and its parent NovaGold Resources Inc. the green light on the destruction of over 300 acres of wetlands.

Nome residents Jana Varrati, Sue

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Photo by Chris Rowe

SPRING RUNOFF— Water runs off the slopes of Mt. Brynteson and the Rock Creek mine under construction as spring temperatures rapidly melt the snow cover.

Nome Common Council adopts motor bus ordinance

By Laurie McNicholas

At their Monday evening meeting, members of the Nome Common Council unanimously adopted an ordinance (07-03-01) to increase insurance requirements for operation of a motor bus, to require a motor bus to operate on a fixed route and to make certain provisions currently applicable to taxicabs applicable to motor buses. During a public hearing prior to the vote, motor bus owner Steve Longley said the only problem he has with the ordinance is the fixed route requirement. He asserted the ordinance was aimed at him after owners of Louie's Cab and Checker Cab sent letters of protest to the City. Noting that he had paid City taxes on nearly $15,000 of gross receipts in March, Longley speculated that taxicab owners had grossed much larger amounts in March. He added that some of the taxis for which they have permits are not in use.

Checker Cab owner Gary Hart told the Council that he is not against Mr. Longley having a business, but the common definition of a motor bus is a fixed route, while vehicles that receive calls and go to a home to pick up a fare are the same as taxicabs. He said some of his cabs are sitting idle because there is no business. Louie Greene, Jr. said he has a tough time finding drivers who meet the City's chauffer regulations and sometimes operates only one cab per shift.

NEC seeks ownership of artifacts

In a letter dated March 30, Nome Eskimo Community President Alfred Sahlin asked Mayor Denise Michels and Council members to consider transferring artifacts collected last summer from a prehistoric site at the mouth of Snake River to NEC. Sahlin acknowledges the site was located on City land, so the findings belong to the City, but he notes the artifacts were recovered under a federally funded program that requires they be curated in keeping with Federal standards. "No facility in the Nome area has the expertise or facilities to meet the Federal guidelines," Sahlin states. "NEC could enter into agreements with a state museum, either in Anchorage or Fairbanks, for the storage and curation of these

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•Lawsuit

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Steinacher and Austin Ahmasuk, and a group called the Bering Strait Citizens for Responsible Resource Development filed a lawsuit against the Corps in November 2006 over the Corps permit, the lack of an EIS and alleged non-compliance with the Clean Water Act and Historic Preservation laws. Ahmasuk did not join the current lawsuit as an individual plaintiff, but is part of it as a board member of BSCRRD.

On December 6, 2006 the Corps voluntarily suspended the permit, and federal district court Judge Ralph Beistline dismissed the lawsuit, as there was no permit to challenge in court.

After the Corps conducted an internal review, the permit was reinstated with minor changes, but no public input, in March 2007.

"Residents are concerned that the Corps issued the permit for the Rock Creek Mine project a second time without undertaking an Environmental Impact Statement to analyze the destruction of over 340 acres of wetlands, without providing the opportunity for public comment on the environmental review document, and without considering alternatives, as required by the Clean Water Act and National Environmental Policy Act," reads a press release by Trustees for Alaska.

Trustees lawyer Vicki Clark said that the project may have significant impacts on the environment, which is the trigger for an EIS. "An EIS would provide the information the community needs to understand the impacts of the project," Clark said. "Because the Corps failed to properly review and analyze this project, the actual environmental impacts remain either unknown or inadequately assessed. This violates environmental laws designed to ensure meaningful public participation and does not comply with the basic requirements of the Clean Water Act."

Clark said that the plaintiffs also seek a preliminary injunction to stop construction at the mine until a proper environmental review is conducted.

Sue Steinacher, as an individual plaintiff and member of BSCRRD is dismayed by the Corps' lack of response to community concerns. "This is a huge project for our small community, and the potential impacts are significant. We sued the Corps the first time for their failure to conduct a meaningful public process before issuing the permit," Steinacher said. "The Corps had the opportunity to engage with the public a second time while the permit was suspended but chose not to. So here we are again, fighting for the right of Nome residents to be meaningfully informed and involved in important decisions that directly affect them."

Individual plaintiff Jana Varrati expressed frustration that the Corps is still shirking its duties, saying, "The Corps' job is to ensure these projects have adequate environmental analysis, that they provide public education about the project and that they provide citizens with public notice so they may comment."

She added that the environmental impacts did not change during the permit suspension. "The Corps still has not properly evaluated the significance of those impacts on our environment. Most importantly, the Corps has not involved the public in this process," Varrati said.

The potentially significant impacts from the destruction of wetlands and degradation of air and water quality, as well as the cumulative impacts of increased hard rock mining development in the area, are among the concerns that the plaintiffs argue warrant analysis in an EIS.

The Big Hurrah and Rock Creek sites are located in two important watersheds for subsistence and recreation activities. BSCRRD board member Austin Ahmasuk said that healthy fish and wildlife resources will be impacted by the mine's drastic changes to the ecosystem. "An Environmental Impact Statement would give all of us the opportunity to evaluate the risks this mine poses to our community," Ahmasuk said.

The combined Rock Creek and Big Hurrah mine project is proposed to operate year-round, mining 7,700 tons of ore per day at Rock Creek alone. NovaGold's first quarter report projected the first gold pour for the third quarter of 2007.

As of press time on Monday, the Army Corps of Engineers was not aware of the lawsuit. "Since we aren't aware of the lawsuit yet, we don't have a comment at this point," said Corps' spokeswoman Pat Richardson.

Photo by Nils Hahn

ROCK CREEK MINE— Last week Nomeites filed a lawsuit again disputing the validity of a wetlands permit issued by the Army Corps of Engineers for NovaGold's Rock Creek mine. The aerial photograph shows the mine's buildings and cleared wetlands for future waste rock storage.

Barrick sold NovaGold shares

By Diana Haecker

Just a week after declaring their intention to sell NovaGold Resources shares, Barrick completed the sale of its 14.8 percent stake in NovaGold Resources Inc. last week. Barrick failed to acquire the whole company in their $1.7 billion bid last year.

Barrick spokesman Vince Borg told *The Nome Nugget* last week that the company has an obligation to disclose their intentions, but wasn't sure of the course of action yet. "All we've done is to open the door," said Borg last Tuesday. He added that there was no specific reason to sell the shares. Borg said, "We may have other investment purposes for that money."

By Thursday, Barrick had completed the sale of the 13.6 million shares in the junior company.

Barrick had wanted to acquire NovaGold's Galore Creek copper-gold-silver project in northwestern British Columbia, where construction is expected to begin this spring at a projected cost of $1.8 billion.

In addition to Galore Creek, NovaGold owns a 70 percent stake in Donlin Creek, described as one of the largest undeveloped gold resources in the world. Barrick holds the remaining 30 percent.

Last Thursday, NovaGold announced the pricing of a new public offering of 12.5 million shares at $16.25 apiece, with part of the estimated $203-million in proceeds earmarked to develop its Galore Creek project.

The money will be used for further exploration and initial construction at Galore Creek in northwestern British Columbia, NovaGold said.

House passes bill enabling Permanent Fund Dividend donations

JUNEAU, Alaska (AP)— The House unanimously passed a bill Monday enabling residents to donate money to charities through their Permanent Fund Dividend check.

This means online applications would feature a list of approved organizations that could receive a portion of the dividend.

The bill was sponsored by Rep. Bill Thomas, R-Haines.

"I think this will prove to be an excellent mechanism for providing much-needed support to worthwhile organizations," Thomas said.

"By presenting the opportunity to share with others at the time a person is filling out their PFD application, I expect to see a significant bump in charitable giving in Alaska," he said.

The bill has been referred to the Senate for review.

•Cadets

continued from page 1

Schmidt, CDT. PFC Sharon Verdin, CDT. PV2 Victoria Richards, CDT. PFC Ricky Wideman, CDT. PFC Gregory Saclamana, and Cadet PV2 Jessica Saclamana. This team plus some new individuals plan to compete in Hawaii in 2009 at the West Point Association's Drill Meet.

The other team recognized with a distinct cap was the rifle team. Additional members of the rifle team include CDT. PV2 Barnaby Longley, CDT. PV2 Frank Krier, CDT. PFC Lonny Booshu, CDT. PFC Jeremy Head, CDT. PFC Lucas Ritter, CDT. 2LT. Marlon Williams, CDT. CPL. Leah Noyakuk, CDT. CPL. Roxanne Ozenna, CDT. CPL. Willis Pate, and CDT.1SG Miles Reader. Some of these cadets are firing in a postal match this week against 54 other JROTCs in the western United States.

Some of the promotions that occurred were CDT. 1LT. Joshua Head, CDT.1LT. Tara Schmidt, and CDT. 1LT. Nina Wideman being promoted to Cadet Captain, CDT. SFC Cameron Piscoya and CDT. SFC Ahbree Verdin were promoted to Master Sergeant, CDT. CPL. Brigette Dickson promoted to Sergeant, and CDT. PFC Sharon Verdin was promoted to Corporal. Other promotions included Cadet Private Second Class Lonny Boohsu, Landis Bjorgen, Jeremy Head, Devon Adams, Gregory and Jessica Saclamana being promoted to Private First Class. The largest group of promotions saw Kyle Griemanns, Carissa Komakhuk, Frank Krier, Brandon Lancaster, Barnaby Longley, Cory Reynolds and Victoria Richards being promoted to Private Second Class.

The last part of the night saw the Cadets of the Semester awards. This saw both Verdins being selected; Cadet PFC Sharon Verdin as Cadet of the Semester and CDT. SFC Ahbree Verdin winning one of the Cadet NCO of the semester awards. Other cadets of the semester included Cadet SFC Cameron Piscoya and Cadet Command Sergeant Major Harmony Huntsman-Piscoya receiving the other two Cadet NCO of the Semester Awards and Cadet 1LT Cori Eide receiving the Cadet Officer of the Semester Award. Cadets of the semester also receive a pen and pencil set from the JROTC.

The final awards night of the year is scheduled for May 17 in the cafeteria at 7 p.m.

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Plaintiffs explain reasons for second lawsuit against Corps over Rock Creek permit

Two weeks ago, two Nome residents and a Nome-based citizen group called Bering Strait Citizens for Responsible Resource Development filed a lawsuit in the U.S. district court for the second time, disputing the legal validity of the process that led the United States Army Corps of Engineers to issue and reissue a wetlands permit for NovaGold/Alaska Gold Company's Rock Creek mine project.

Individual plaintiffs Jana Varrati and Sue Steinacher agreed to an interview by *The Nome Nugget* reporter Diana Haecker and explained their reasoning for taking the legal steps against the Corps.

***Nome Nugget**: The Army Corps of Engineers reacted to the civil lawsuit filed by you and the Bering Strait Citizens for Responsible Resource Development last November by retracting the permit in question and conducting an internal review. Why are you filing the lawsuit for the second time?*

Sue Steinacher: We are filing the lawsuit again because of the same reasons we filed it in the first place. Little has changed. We, to a certain extent, need to rely on people more knowledgeable than ourselves. Dr. David Chambers reviewed the changes the Corps made in the reissued permit for us. He felt they were not substantial, and that our major issue about the law requiring the Corps to do an Environmental Impact Statement had yet to be addressed.

***NN:** Could you remind us of those reasons?*

SS: An EIS would require a greater and more in-depth analysis of potential impacts than the environmental information document that NovaGold produced. There would be a more extensive public process, which would include the opportunity to review, comment and respond on multiple occasions and not just during one very brief window of time. The reason that we have this process is not only so the public has the opportunity to participate, but because all concerns and questions get raised. The company must then address the concerns and have firm and clear mitigation plans in place before permitting. This doesn't necessarily prevent the mine from going in, but it does make it a much better and safer project.

***NN:** The Corps' spokespersons have in the past pointed out that there was ample opportunity for the public to be heard, there was a public hearing, a comment period. How do you respond to that?*

SS: I figure that a lot of people that were prepared to testify at that one public meeting likely had prior knowledge through meetings that were not generally advertised to the general public. Also, Austin Ahmasuk offered extensive testimony at that meeting on the mine's potential impacts to subsistence. I and many others submitted written comments expressing a host of concerns prior to the close of the public comment period, so it is not as if concerns were not expressed. Additionally, prior to the changes Governor Murkowski made to the Habitat Division [formerly part of the Alaska Department of Fish & Game], the local fish and game biologists would have been able to raise questions and concerns and bring it more to the public awareness. But given the way the permitting process in the State was reorganized, the local experts were never contacted at all, and therefore the public never had the benefit of their input.

***NN:** What did you comment on?*

SS: In the beginning I knew very, very little of the details and I was simply begging the agencies to do a good job of oversight. As I became more and more informed I started asking questions about cumulative impacts, about acid mine drainage, but even so, to really become knowledgeable and to offer substantive comments, takes many, many weeks of spare time outside of all other full-time commitments.

Jana Varrati: We are lay people. My big issue is the lack of public process. I object to the way it has been handled because from beginning to end, we had only one opportunity to have a public meeting during which we were to be educated by NovaGold or any permitting agency. The initial process was denied to us. As far as I know, every agency has used the same environmental impact document submitted by the contractor to NovaGold to make their findings. We need independent information, gathered and dispensed and thought about and discussed so that we the people who are being impacted can get that information about our environment, our surroundings. We need to know. We have a right to know.

SS: I have now spoken with many people at the Environmental Protection Agency and the US Fish and Wildlife Service who were involved in the permitting of this mine. They explained that there is usually lots of advance discussion and coordination with the Corps, but in this case, they only received notice at the same time as the public notice went out, leaving them little time to respond. They also told me that long-standing policies regarding the EPA's and the Fish and Wildlife Service's ability to protest the Corps' permitting decision have been undermined by the current federal administration. Everyone I spoke with said that in their experience that a project of this size clearly called for an EIS.

JV: My issue is I believe in process, process, process and that has not happened here. The agencies have not followed the law. They have not done public notice. They have not conducted public hearings and it's wrong. It frustrates me because this is a really big project with a large impact on the community, monetarily or otherwise.

There are issues that need to be discussed by members of that community - the good as well as the negative.

That has still not happened. Representatives from the City were involved in meetings about this issue and didn't inform us or call a town meeting, let alone a public hearing. Nor did state agencies such as the Large Mining Team. Neither did regional and federal agencies. Every agency has a responsibility and that responsibility does not include rubberstamping the minimal information that is available at the local level.

***NN**: NovaGold produced an environmental information document.*

SS: If the Corps were to do an EIS, they could do it in-house or contract it out just like NovaGold did, but the difference would be that the contractor would answer to the Corps rather than to the business seeking the permit. Additionally, the individual who prepared the information document for NovaGold also appeared to double as a public relations person for NovaGold, which causes some of us concern over the document's neutrality. However, much of the information in that document may be accurate, and could be incorporated into an EIS. But an EIS would require substantially more review and analysis of potential problems, and require that solid mitigation plans be in place prior to permitting. That's

continued on page 7

Photo by Diana Haecker

ROCK CREEK MINE— The Army Corps of Engineers reissued an amended 404 permit to the Rock Creek mine, now challenged in court for the second time.

Do you have children in child care?

May 11th is National Child Care Provider Appreciation Day

Show your child's caregiver or teacher that you care about what they do for your child.

A Special THANK YOU to all of the child care providers in Nome and the Bering Strait Region. We appreciate all of the hard work you do.

Sincerely, Kawerak Child Care Services Staff

We must believe the things We teach our children. ~ Woodrow Wilson

Support this year's DAWN Summer Adventure Camp. Come join us at the

"Soup" er Bowl Fundraiser, Friday May 11

6 p.m. — 8 p.m.

Nome Elementary School Dining Commons

Buy a soup bowl (handcrafted and donated by the University of Fairbanks Northwest Campus Pottery Class) that start at $20. You get a bowl of delicious homemade soup, bread and a beverage with your purchase.

Entertainment provided by
The "Not" Brothers and Sarah Hofstetter

DAWN thanks you for supporting drug-free activities for the youth of Nome.

• Plaintiffs

continued from page 6

why an EIS, in the end, makes an industrial project better.

JV: Every big project has a significant impact. It seems to me, the responsible thing to do is to request through the process an EIS to begin with. This would have been all over if any entity, corporate, or state or federal had done that at the beginning.

***NN**: Recently, the CEO and president of NovaGold had expressed that the mine's critics had shown no intention to engage in dialogue.*

JV: I have called both Doug Nicholson and Rick van Nieuwenhuyse and never received a call back. I have spoken with John Odden and offered positive suggestions of how they could better approach the community. Odden always said that I should talk to Rick [van Nieuwenhuyse] and Doug [Nicholson], but I got no response. I was trying to be helpful and not critical. No response to even emails. This was before we had to file the lawsuit. It is not appropriate for us as plaintiffs to interact personally with the Gold Company which later signed on as co-defendant, but I did try prior to that.

SS: I would like to make a point clear. People tend to see our suit against the Corps as a suit against the mine. We are suing the government, because we believe the government hasn't done their job correctly. The mine decided to sign on to that suit [as defendants]. We did not sue the mine. The lawsuit is challenging how the government is doing business. Businesses are motivated by their bottom-line, and I understand why the mine is trying to move as fast as they can. However, the government's role is not just to facilitate for industry, but to represent the needs and rights of the people. I feel that both the state and federal government have violated the public trust.

***NN**: Let's say that a different project would move in to Nome, like a wind farm or such. Would you equally be challenging the government over an EIS?*

JV: A project is a project. Whether it is building a road, or a pipeline, whether it is excavating for a huge office complex, the process is the process and it has to be followed. Period.

SS: If this community had gone through a truly informed public process, where people had the opportunity and the time to fully understand both the risks and the benefits of the mine, and the majority wanted to support it, I would have stood by that decision – regardless of my personal feelings. During the months this winter that the permit was suspended, the Corps had the opportunity to reopen this to the public and they chose not to. And to me, that feels like they thumbed their nose at the citizens of Nome. There very well could be additional mines coming in here. Do we want to have a voice or not? There are companies that are looking at gold exploration at Dorothy Creek. We're trying to make sure it gets done right the first time since there may be more mines.

***NN:** How did this influence your life in Nome, a small community?*

JV: This has only enhanced my life. People call me and come up to me on the street and thank me for speaking to the issue and being willing to be a participant in this lawsuit. They want to speak out, but feel that they would have to experience economical repercussions if they did. I feel strongly enough about this to have my name used. It's only been positive for me.

SS: How do I feel? It isn't always easy or comfortable to meet someone and you don't know how they feel [about the issue]. Sometimes I don't feel like going to the grocery store or the post office because it's not comfortable being in the center of controversy. It has however forced me to become clear with myself. My upbringing taught me to take a stand for social justice. On the one hand I hear that a young friends' father is now working for the mine, and I wonder — if we win, what happens to that family? And then somebody else comes up to me and thanks me for taking a stance. But for all my concerns I haven't suffered any repercussions. Almost everyone I hear from is very supportive of the objective of this suit. And those who question what I'm doing but are willing to engage in a discussion, come away with some new understandings.

***NN**: What can you tell us about the BSCRRD membership?*

SS: I have over 40 Nome and village members on my email list, and that's without promoting the organization at all. Some of those wanted to become individual plaintiffs, but there are reasons for keeping the process more streamlined. For now we keep people informed and give them a way to be a part of this without having to put their name out there publicly.

***NN:** But Nome's entire history is based on gold mining. Why raise all these concerns now?*

SS: I was prepared to go along with that kind of thinking in the beginning – but then I learned about the differences between placer mining and a large open-pit hard rock mine. I am very well versed in Nome's mining history, and the Rock Creek mine introduces a type of mining at a scale that has not been part of Nome's mining history. We need to know that the government is balancing the rights of the public to live in a safe and healthy environment with proposed industrial developments, regardless of how business may have been done in the past.

***NN**: Do you have any last remarks?*

JV: Process, process, process.

SS: I have always been supportive of the small miners in this community – and continue to be. Industrial mining at this scale is something different. In the end, for me, it comes down to role of government and to upholding democracy. I am not filing this lawsuit based on personal emotions.

JV: Neither did I. I believe in enforcing the established process that has been set up by law and regulation. So far, that's been denied us as citizens of Nome.

Iditarod: Brook's dog abuse investigation to continue

ANCHORAGE, Alaska (AP) - An investigation into alleged dog abuse by a musher in this year's Iditarod Trail Sled Dog Race was completed by the time the board of directors met last Friday in Anchorage.

Other than receiving an update from investigators, the board did not plan to take up the matter at the meeting, Iditarod Trail Committee President Richard Burmeister said Thursday.

Iditarod officials are dealing with allegations swirling around musher Ramy Brooks of Healy that he kicked some of his dogs, hit some with his fists, and struck them with a ski pole when they didn't want to leave the village of Golovin, less than 100 miles from the finish in this year's 1,100-mile race from Anchorage to Nome.

Brooks has admitted to "spanking" his dogs with a wooden trail marker and was disqualified from this year's race.

Race officials now are dealing with the difference between Brooks' account and what three people in Golovin have told race officials.

The organization's lawyers, Davis Wright Tremaine LLP, are conducting the investigation.

Efforts to conduct the investigation by phone have not been successful as they had hoped, and investigators are planning to travel to Golovin this week to conduct interviews, Burmeister said in a release.

After the investigation is completed, Burmeister said the board would "likely" call a special meeting to consider the matter.

Photo by Diana Haecker
SHOWING OFF— Two ravens tumble and surf the air streams near Nome.

Care about kids and community?

Please join Kawerak, Inc. and the State of AK/DHSS Native Rural Recruitment Team for a meeting to discuss foster provider needs in Nome and the Bering Strait region.

WHEN: Saturday, May 5, 2007
11 a.m. – 5:00 p.m.

WHERE: Nome Mini-Convention Center

WHY: To get your input and direction in local recruiting & needs of foster families for children in Nome & the Bering Strait region

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A message from the Alaska Mental Health Trust and our partners, the Advisory Board on Alcoholism and Drug Abuse and the Alaska Mental Health Board.

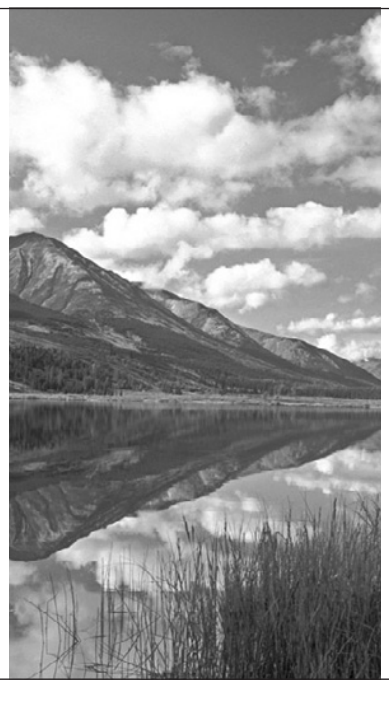

Photo by Diana Haecker

MEMORIAL DAY — A cross adorned with paper poppies made by veterans was planted in the beach on Snake River as Memorial Day parade marchers lined up behind it to commemorate fallen soldiers during last Monday's Memorial Day celebrations in Nome.

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VOLUME CVII NO. 22 MAY 31, 2007

DEC finds inadequacies at Rock Creek

By Diana Haecker

Operators at the Rock Creek mine, currently under construction seven miles northwest of Nome, failed to adequately prevent storm water runoff from the site, finds a Department of Environmental Conservation report. Three diversion ditches that would have prevented the unrestricted runoff of spring breakup melt water muddied with construction dirt were never constructed, observed the DEC engineer.

The report, released last Friday, also says that turbidity levels measured at two sample sites — at the culvert conveying Rock Creek beneath Glacier Creek Road and a culvert conveying runoff beneath the same road — "indicate excessive turbidity in mine runoff."

Tim Pilon, environmental engineering associated with the Alaska Department of Environmental Conservation, and Gordon Macintosh with the Department of Natural Resources visited Alaska Gold Company's Rock Creek mine on April 27 for a general visit and to gain familiarity with the mine's logistics.

After sitting down with mine manager Warren Woods and taking a tour of Satellite Field, the mine, plant and stockpile sites, Pilon told Woods that AGC is overdue submitting an updated monitoring plan. Pilon also noted that before DEC can provide approval to mine at Big Hurrah, a detailed rock characterization and handling plan must be submitted; and that the AGC must submit a plan before construction of a wastewater treatment plant can begin.

Pilon noted that the mine's operators did not adhere to their Storm Water Pollution Prevention Plan

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Old T-hangar gets a face-lift

By Diana Haecker

A silent remnant of World War II, its hardwood shiplap siding crumbling from the force of many years of harsh winds and weather, is getting a serious make-over thanks to a group of Nomeites dedicated to preserving a piece of Nome's military and aviation history.

The old Russian hangar — or T-Hangar — is currently undergoing a face-lift as the Nome Aviation and Military Museum Organization contracted with Inuit Services, a construction subsidiary of Bering Straits Native Corporation, to replace old wooden and rotting siding with new plywood and ultimately a full metal siding armor.

The Nome Aviation and Military Museum Organization was spearheaded by the late Tony Krier, a WWII veteran and prominent Nome businessman. Mitch Erickson with NAMMO said that in 1998 the group got together with the objective to save the aviation and military history in Nome. In 2002 the group incorporated as a non-profit organization, and one of the first priorities was to purchase the T-hangar and the surrounding three acres from the Alaska Gold Company for $15,000. With a pull-tab gaming permit in place, NAMMO made enough money to

continued on page 4

Photo by Diana Haecker

BUSY — Eight-year old Kelly Mueller was busy cleaning up the sidewalk in front of the Glue Pot last week as his three-year-old sister Stephanie stood in the entry.

Photo by Diana Haecker

OUT OF REGISTRATION— Inuit Services carpenter Harvey Miller shows how much the old beams at the Russian hangar deviate from a right angle. The building is currently under repair.

Photo by Diana Haecke

PRECARIOUS— Carpenter Harvey Miller looks at rotten beams holding up the west side of the old T-Hangar,, currently under repair.

Photo by Diana Haecker

OLD MEETS NEW— Carpenter Harvey Miller points out a section of the old T-Hangar where rotten shiplap had to be replaced with new plywood and where the old wood was still good enough to remain in place.

Photo by Diana Haecker

(right)

REPAIRING— Carpenters Art Amaktoolik and Harvey Miller are on the platform as lift operator Terrence Kotoongan put them in position to replace old shiplap siding with new plywood on the south side of the old Russian Hangar last week.

•T-Hangar

continued from page 1

pay $100,000 to restore the shell of the building.

Erickson said that the hangar was one of the group's top priorities because it is one of the last remaining hangars that were part of the famous Lend-Lease program. Also, NAMMO has big plans for the hangar since it one day will house a Nome aviation and military museum and to inform Nomeites, new and old, as well as tourists about the history of the Lend-Lease program.

Back in 1941 — before Japanese kamikaze attacked Pearl Harbor — Congress was hesitant to deviate from its isolationist foreign policy and gave President Franklin D. Roosevelt the power to supply allies with military equipment to fight World War II. The program came into existence with the passage of the Lend-Lease Act of March 11, 1941, which permitted the President of the United States to "sell, transfer title to, exchange, lease, lend, or otherwise dispose of, to any such government [whose defense the President deems vital to the defense of the United States] any defense article".

Under the Lend-Lease program, 10,000 aircraft were ferried from the USA to Russia. Nome was one of the final stops before the planes were flown to Russia. For maintenance and fixing purposes, the hangar was built and still shows some good craftsmanship in the way the huge doors were hung to slide open sideways.

Harvey Miller, carpenter with Inuit Services, explained the task to fix what they can and yet leave some wood on the old building. As Miller went around the building, he pointed out rotten beams that need replacement. At one point, he took a swing with his hammer and easily broke off a big chunk of rotten cedar plank on the side of the building. The objective, Miller explained, is to keep the front of the building as original as possible, and to leave most of the intact shiplap in place.

A look up to the roof confirms that the upstairs has seen better days and is in dire need of repair. Erickson said he hopes that the shell is up by the end of August — the roof will be next year's project. He added that the group is following the vision of Tony Krier. Eventually, the compound will see Quonset huts restored as barracks or officer quarters. "We would like to add a tourist attraction to Nome while preserving the history of this place," summed up Erickson.

Articles to be restored for exhibition in the future museum are strewn all over the area. There are big 6-inch guns near Dredge 6. Remnants of an old B-25 bomber can still be seen in Nome, sitting on the tundra behind the old city landfill. A dilapidated boat in front of the T-Hangar — so-called because of its shape — is a Higgins DUKW "duck" boat famous from the D-Day offensive spewing out American troops landing on the beaches of the Normandy.

And if anybody is interested in working with the group to restore a DUKW (an acronym for D-1942, U-utility, k-frontwheel drive W-two-wheel drive axles), contact Mitch Erikson, Mary Knodel, Ben Esch or Ralph Taylor.

•DEC

continued from page 1

(SWPPP). In an explanatory paragraph, Pilon wrote that the mine is permitted under a National Pollutant Discharge and Elimination System construction general permit, under the federal Clean Water Act, overseen by the Environmental Protection Agency. However, to obtain the permit, Alaska Gold Company had to submit a SWPPP, which included best management practices describing all pollution control measures to control pollutants in storm water discharges. The construction of three diversion ditches was listed as the primary strategy for preventing storm water pollution. "As stated by W. Woods and noted during the mine site visit, no diversion ditches had been constructed," says Pilon's report.

Alaska Gold/NovaGold vice president Doug Nicholson said that the company put out straw bales and put up a silt fence along the topsoil dumps to control surface water runoff. "We were not allowed to do the things we said we'd do because of the lawsuit," said Nicholson. Nicholson said that the company was prohibited from working at the wetlands, including digging the ditches, when the Army Corps of Engineers withdrew their wetlands permit for internal review as a reaction to a lawsuit contesting the validity of the permit. "We were limited in what we could do and tried to control the runoff as best as we could," said Nicholson.

Pilon also noted that the mine's operators had no onsite environmental manager or supervisor. The position of an onsite environmental supervisor was filled with Larry Pederson, formerly of Bristol Environmental, starting his job at the mine on May 21. Construction on the mine began August 2006.

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Photo by Nikolail Ivanoff

A CLEAN RIVER RUNS THROUGH IT— Pilgrim River is ice-free and peacefully runs towards Norton Sound. The snowcapped Kigluaik Mountains in the background.

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VOLUME CVII NO. 23 JUNE 7, 2007

Photo by Diana Haecker

BRING IT ON! — Caroline Reader took up the challenge and armwrestled Louis Green Jr. for a can of grapefruit soda during last Saturday's spring cleanup finale at Anvil City Square. Reader won and Green got the soda as a consolation prize. (See story inside.)

Bethel considers cyanide ban

By Diana Haecker

With the prospect of an open pit hard rock gold mine at Donlin Creek in the near future and with it the use of sodium cyanide, Bethel's vice mayor introduced an ordinance to ban the toxic substance from entering the city limits.

The ordinance language reads that "No person or entity may endanger the health and safety of the citizens of Bethel by engaging in any activity that directly or indirectly: (1) releases any toxic pollution into, or causes or contributes to any toxic pollution of, any surface or subsurface water, or tributary thereto that is utilized by humans for drinking water or by salmon in the spawning, rearing, migration or propagation of the species, within the boundaries of the City of Bethel. (2) Transports, uses or generates within the City of Bethel or its watershed, quantities larger than 50 gallons per month of cyanide."

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NovaGold intervened in lawsuit; hearing scheduled against Corps

By Diana Haecker

The United States District Court for the District of Alaska will hear the case of the Bering Strait Citizens for Responsible Resource Development, Jana Varrati and Sue Steinacher against the U.S. Army Corps of Engineers over the issuance of the 404 wetlands permit for the Rock Creek Mine operated by NovaGold.

The hearing in Judge Ralph Beistline's courtroom on Thursday, June 7 will deal with the merit of the lawsuit's request for a temporary restraining order and preliminary injunction.

The hearing will determine if NovaGold is allowed to keep working at the wetlands at the mine site under construction while the judge decides whether or not the lawsuit has merit. NovaGold intervened in the lawsuit.

The lawfirm Trustees for Alaska filed the lawsuit on behalf of the Nome group and the two Nome residents. The Trustees did not oppose NovaGold's intervention.

The lawyers for NovaGold suggested that the plaintiffs post a $100,000 bond to protect their eco-

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NJUS to power Rock Creek

By Sandra L. Medearis

Nome Joint Utility System intends to expand its service area to include Rock Creek Mine. The local utility board has approved a contract with Nova Gold Resources subsidiary Alaska Gold Co. to have Nome Joint Utility System set power poles and string power transmission lines nine miles out to the Rock Creek Mine with the mining company picking up the tab 100 percent of the $3 million for design and construction. Nome's city attorney gave the contract the go-ahead.

As soon as NG has put its ink on the contract, line crews will begin work, John Handeland, utility manager, said Monday. NJUS will complement local labor with temporary help from IBEW NECA workers. He said 12 to 14 employees will be working at a time on the job.

Rock Creek Mine expects to power up into full production in August. The company will continue to use its own generators until line completion anticipated at the end of August. Alaska Gold estimates it will need 10 megawatts at

continued on page 4

Photo by Diana Haecker

PICKING UP TRASH— Aurora Bicknell, 10, and Annalise Contreras, 7, were busy picking up trash along Dry Creek during last Saturday's spring clean up. (See story inside.)

Photo by Diana Haecker

IMPROVEMENTS— Quality Asphalt begins work on road improvements, including paving, on East Front Street this week.

Photo by Diana Haecker

FIRST BARGE IN— The first Northland barge arrived last Monday in Nome, after having to dodge ice pans southeast of St. Lawrence Island. The Coast Guard cutter *Healy* cruised by Nome also on Monday, slated to come back to Nome in August.

Council approves school money, hires new chief

by Sandra L. Medearis

The Nome Common Council voted May 30 to support the schools next year with almost $1.7 million. The figure comprises in round numbers the state mandate of $1.011 million plus an additional discretionary pot of $670,000.

The fixed portion according to law equals what four mills' property tax would be without senior exemptions and other exemptions allowed in the City's tax structure. In October the state set Nome's full value determination that meant a mill in property tax is worth $252,725.

Council can adjust the discretionary amount sought. Councilman Jon Larson attempted to lower the discretionary contribution to around $400,000 by cutting out school improvement projects he though should be paid for through bonding, a route that could mean 60 percent reimbursement from the state. These projects included further work on stemming the presence of radon gas beneath the administration-NACTEC dorm-DOT area at Beltz complex ($80,000), digital atmospheric controls at Nome Elementary ($125,000) and replacement of the Nome Elementary gym floor ($84,000-$130,000), all estimates.With the cost of fuel consuming the wallets and public treasuries, the city must make cuts and get help wherever, Larson said.

"I don't know in days gone by how many people have come up to me and said how expensive it is to live in Nome these days." Larson said.

The schools head, Stan Lujan said that refusing to fund the repairs could mean a delay of two to three years while bonding issues go to the state Department of Education for approval and through the process to sell improvement bonds to raise money. He added the fear that the state Dept. of Transportation might break their lease if the radon mitigation were not controlled fully beneath the part of the complex they rent. The DOT has recently renewed its lease with NPS since the radon issue became known.

Asked when the DOT lease was up, Lujan said he did not know.

Only Larson and Councilman Randy Pomeranz voted to approve the amendment reducing the discretionary contribution by a couple of hundred thousand dollars. The Council then voted unanimously to approve the City's contribution to the school budget. City finances director Cussy Kauer told the Council the City will have to dip into its fund balance for at least $1 million based on the current taxation at 11 mills. On June 6 the Council was to have a work session to consider its own budget and set the mill rate.

In other business at the special meeting, the Council approved a three-year contract with Nome's newly hired police chief, Paul M. Burke with a beginning salary of $90,000 effective June 15. His salary will increase by three percent annually with satisfactory evaluations by City Manager Randy Romenesko. Burke has 20 years' experience in law enforcement with Alaska State Troopers including three years in Bethel and heading the coordination of AST statewide search and rescue. A committee comprising Nome citizens screened applicants and recommended Burke's hire.

In other chit-chat in the work session, the Council seemed of a mind to continue funding the Nome Visitors and Convention bureau one more year, rather than turn the operation over to Nome Chamber of Commerce.

•NJUS

continued from page 1

full capacity around the clock every day for at least four years. In winter, without the addition of Alaska Gold as a customer, the community draws five megawatts, Handeland said. A megawatt equals 1,000 kilowatts

According to the construction contract, Alaska Gold will within 30 days have a separate power sales agreement ready for NJUS board consideration. At that time, Alaska Gold will become the utility system's biggest customer.

So what's in it for the NJUS ratepayer?

"If we are spreading the fixed costs of personnel and insurance and the like over five megawatts draw, that is one number. When we are spreading it over 15 megawatts, that is a substantially smaller number per kilowatt," Handeland said. So, will bills go down? How the added mega-sales of power to Alaska Gold will show up on monthly bills depends on the outcome of negotiations on the power purchase contract with Alaska Gold over the next couple of weeks, he said.

This is the second time the City has powered the company's mine. NJUS sold power to Alaska Gold, under different ownership then, in the early 1990s after the company shut down its power house at the north end of Steadman Street on account of fuel issues and the age of generation equipment. The draw for Alaska Gold's smaller operation was two megawatts to run Dredges 5 and 6, said Handeland, who worked for the old Alaska Gold back when.

The construction agreement as it stands is that NJUS will upgrade lines to larger capacity 25kV transmission lines from the power plant to the Nome-Teller Highway and then westward along the road to the Glacier Creek Road turnoff to the mine. From that intersection, NJUS will build a new 25 kV line north along Glacier Creek Road to the Rock Creek Mine substation and put in a new 25 kV transformer at the power plant to handle the larger load. Initially Alaska Gold told the utility it would need generation capability and supporting fuel storage upgraded to 5 kV, but now seeks a boost to 10 kV to match new, increased mine requirements and a more in-depth analysis.

2007 Nome Adult Softball League Schedule

Thursday, June 7
7 p.m.
Bering Air vs Breakers (N)
Outsiders vs Polar (S)
8:30 p.m.
BOT vs AMI (N)
Polaris va Breakers (S)

Tuesday, June 12
7 p.m.
Polar vs Breakers (N)
Luck Shot Natives vs Outsiders (S)
8:30 p.m.
AMI vs Outsiders (N)
Breakers vs MC Hammers (S)

Wednesday, June 13
7 p.m.
Bering Air vs Subway (N)
Polar vs Polaris (S)
8:30 p.m.
Bering Air vs Subway (N)
Polaris vs AMI (S)

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Photo by Nils Hahn

ROCK CREEK MINE — Construction to Alaska Gold Company's Rock Creek mine is unimpeded after U.S. District Court Judge Ralph Beistline ruled to dismiss a lawsuit brought by Nome residents asking for an Environmental Impact Statement.

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VOLUME CVII NO. 24 JUNE 14, 2007

Polar Bear Swim

Photos by George Feldham

NOME VISITOR — (top photo) A polar bear strolled along the beach at Mile 17 near Safety on Thursday, June 7. (center photo) As soon as the bear spotted humans, he made a flying leap into the Bering Sea. (bottom photo) After his escaping from civilization, the bear may try to catch up with the arctic ice pack.

Judge dismisses lawsuit against Army Corps

By Diana Haecker

A U.S. district court judge ruled last Friday to dismiss the lawsuit of the Bering Strait Citizens for Responsible Resource Development, Jana Varrati and Sue Steinacher against the Army Corps of Engineers over the issuance of a wetlands permit for Alaska Gold Company's Rock Creek gold mine. Citing mostly economic reasons, after a hearing last Thursday, US District Court Judge Ralph Beistline denied the plaintiff's motion for a temporary restraining order and a preliminary injunction to stop all construction at the mine site. Beistline also dismissed the entire case, concluding "the permit in question was properly issued."

The plaintiffs contested the legality of a 404 wetlands permit issued in August 2006, saying that it was issued in violation of the Clean Water Act and the National Environmental Policy Act. The lawsuit was the second filing of the same claim. A first suit brought against the Corps in October 2006 resulted in the Corps' retracting the permit for internal review in December. The permit was modified and reinstated in March 2007. The plaintiffs then filed the second lawsuit.

Beistline's ruling came after a hearing on Thursday, June 6, when three government lawyers from the Department of Law defended the primary defendant, the Army Corps of Engineers. NovaGold Resources

continued on page 4

Council sets mill rate, keeps rein on booze sales

By Sandra L. Medearis

The Nome Common Council Monday night completed the first step in adopting a spending plan for delivering City services, buying supplies, running public buildings and meeting City payrolls for the year beginning July 1.

The panel voted unanimously without discussion to pass a municipal budget for $9.723 million to second reading and final passage when it meets again in a couple of weeks. That passage seems a formality after Monday night's action that followed only about an hour's Council discussion in a public work session a week ago. The Council has discussed the municipal budget on other occasions, but in tandem with a record request for funding from Nome Public Schools.

The new municipal budget surpasses last year's by more than a million. City Manager Randy Romenesko, with input from Cussy Kauer, finances officer, made up the budget after talking with department heads in the City administration.

The Council took final action on

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Stray polar bear visits Nome

By Diana Haecker

Exactly two years after a polar bear was seen near the Safety Bridge, two bird-watching visitors were witnesses to a similar sighting in the same vicinity.

George Feldhamer from Carbondale, Illinois and Mark Moilanen from Minneapolis were driving along the Nome-Council Highway last Thursday morning, when the two birders noticed the lone wanderer walking the beach at mile 17 around 10 a.m.

Feldhamer, a professor of zoology at the Southern Illinois University had no trouble identify-

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•Lawsuit

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Inc. intervened in the lawsuit, bringing two lawyers to testify in Beistline's courtroom.

The plaintiffs were represented by Trustees for Alaska attorney Vicky Clark and the Western Mining Action Project attorney Roger Flynn, telephonically present.

After hearing arguments for 45 minutes from the plaintiffs and over an hour from the defendants, Beistline indicated a quick ruling. On Friday afternoon, the judge handed down his decision to deny the plaintiffs' motion and to dismiss the case altogether.

The 10-page ruling paper includes a brief outline of the standard of review for injunctive relief before arguing that all parties agree that the mining operation in question is located "in mining country" and that the wetlands destroyed for the project are "surrounded by vast areas of pristine wetland that will not be impacted by this mining operation."

The plaintiffs claim that the permit was issued without undertaking an Environmental Impact Study, without providing the public with an EIS to comment on and that surrounding Native Tribal governments were not sufficiently notified. Also, the plaintiffs claim that there was no public examination of alternatives to develop the project.

In his ruling, Judge Beistline wrote, "It also appears that before beginning this venture, Alaska Gold Company went to great lengths to publicize its intentions and to obtain the support of the local community, two Native organizations, as well as state and federal agencies."

Beistline concludes, "As a result, there is considerable public support for this project and a realistic hope for an economic boon to the community."

Beistline found that the Corps considered and addressed the 404 guidelines of the Clean Water Act and that "considerable time, effort and expense was incurred by AGC to minimize the environmental impact of its mining operation."

The judge found that the Corps "properly chose to rely on an Environmental Assessment that was quite thorough" and produced by AGC.

Beistline found, "Moreover, if this project proceeds as planned, it is likely that much of the land involved will be left in a far better condition than it was when the project began."

The judge concluded "given the extent to which the project has progressed to date, that no significant harm would be avoided by the issuance of injunctive relief at this time."

While all sides agreed that about 100 acres of wetlands filled with gravel and concrete in preparation for the plant site are irreparably lost; the plaintiffs argued that other wetlands currently disturbed could potentially be restored. The judge, however, found that "the vast majority of wetlands in question have now been filled and are technically no longer wetlands, and the mining operation is well underway. An injunction at this time would therefore result in much greater harm to AGC and the citizenry supporting the mining project than to any remaining wetlands or environmental concerns."

"We are pleased to have this issue behind us," said Doug Nicholson, vice president NovaGold Alaska and general manager of Alaska Gold Company. "As acknowledged by the Court, this project will bring significant economic benefits to the community of Nome. Construction at Rock Creek is progressing well. The truck shop, reagent building, leach train and steel superstructure on the mill building are up. Work is continuing on piping and electrical inside the buildings. We continue to assemble our operations team and are working diligently to achieve our production target of Q3-2007, with full commercial production by year's end."

The Army Corps of Engineers did not comment.

Vicki Clark with the Trustees for Alaska said, "We are very disappointed with the ruling. It did not specifically address my clients' concerns about the Clean Water Act or any discussion on other reasonable alternatives of the project." Jana Varrati hasn't had the chance to read the ruling but said that her reaction to the ruling is one of astonishment. Varrati wants to determine what legal options are available. "I believe this is only the beginning of this legal process," said Varrati.

Sue Steinacher also expressed disappointment and said, "Needless to say, I respectfully disagree with the judge's conclusions and am disappointed by his decision. Contrary to what some folks may still think, our suit was not an effort to stop the mine, but to assert that the government needed to do a better job of informing the public of potential risks of hard-rock mining, of hearing their concerns, and requiring greater plans for protection before they permitted the mine."

Steinacher said this still seems like a very reasonable request. "My hope now is that Alaska Gold will pursue a rigorous and open environmental monitoring effort and prove their claims that they can mine without doing any harm to the subsistence resources of the Snake River, Big Hurrah or any of the areas they operate in," Steinacher said.

The plaintiffs could challenge Beistline's decision with an appeal to the U.S. Court of Appeals for the 9th Circuit, which would take the matter before a three-judge panel.

Read the entire ruling online at www.nomenugget.net.

•Council

continued from page 1

the 2007-2008 property tax mill rate that underlies the budget—11 mills, the same as last year's. City law requires that figure to be set by June 15, and the Council did so by unanimous vote. The mill rate explains the size of the tax bill property owners will receive on July 1. For the 2008 spending year, the valuation of all the assessed property in Nome is $191,956,561.75. Divide that by 1,000 to get the value of one mill—$191,956.56—multiplied by 11 gives $2,111,522.17 to go into the budget from property tax payers. Right. So how does that relate to individual envelopes landing in mailboxes? Easy, works the same way. Say your property is assessed at $63,000. Divide $63,000 by 1,000, get $63. Multiply that by 11, equals a tax bill of $693, your contribution for 2008.

Now add in $7,611,295.71 from sources other than property owners' hip pockets to meet the $9.723 million budget, including an estimated $4.1 million from a 5 percent sales tax and an appropriation of $1.26 million from the fund balance—the City's saving account.

The total general fund revenue to support the budget generally comes from three sources—tax from real and personal property assessments, sales and fees, appropriation from the fund balance on hand, and non-tax sources as interest income on reserve accounts.

The City's adopted municipal budget for spending year 2007 was $8.55 million—more than a million less. This year the budget has had to accommodate more than a $100,000 increase in the school contribution in part for capital projects, increases in retirement and health contributions for City employees, increase in utility and fuel costs (27 percent 10/2005 and 6 percent 10/2006), and $300,000 for paving projects. Romenesko expects an increase of as much as

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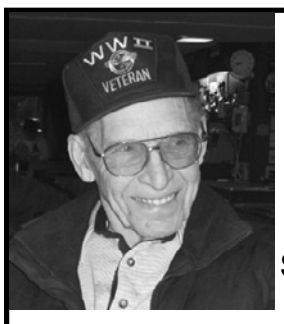
2007 Nome Adult Softball League Schedule

Thursday, June 14
7 p.m.
Luck Shot Natives vs BOT (N)
MC Hammers vs Breakers (S)

8:30 p.m.
BOT vs AMI (N)
Polaris va Breakers (S)

June 18 through June 22 Midnight Sun Tournament Schedule TBA



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Sunday, June 24, 2007 **Mile 13 Kougarok Road**
Registration: 12:00 PM **Race Start: 1:00 PM**

First raft to CROSS THE FINISH LINE at Dexter and comply with the rules will be the winner.

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1. Raft must be HOME MADE and have at least 4 crewmembers on board. (Each team will receive 4 event t-shirts free with paid entry.)
2. All crewmembers MUST be entirely wet by finish line.
3. $25 per raft entry fee due BEFORE race start.
4. Any crew under 18 must have written parental permission.
5. No MOTORIZED crafts permitted.
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Photo by Nils Hahn

DON'T COME TOO CLOSE— A herd of musk ox stays close together to protect newborn baby musk ox from potential danger.

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VOLUME CVII NO. 25 JUNE 21, 2007

Photo by Diana Haecker

SPILL— A dust control liquid called EnviroKleen was spilled after vandals broke the valves of the 250-gallon totes stored at the Kawerak lot at Seppala Drive. The area was secured, but the liquid further spilled into the city's sewer system after a load of sand was dumped on the spill puddle.

Vandals spill dust control liquid

By Diana Haecker

Vandals broke into two containers filled with a road dust suppressant liquid called EnviroKleen and caused a 550-gallon spill of it on a Kawerak-owned lot on Seppala Drive across from the Kawerak Inc. office building.

Four white plastic totes filled with EnviroKleen are sitting on the gravel lot and were waiting to be spread on Nome roads by Kawerak to keep the dust down. But sometime between the weekend and Wednesday, vandals came along and broke into two of the white plastic containers. An accident can be ruled out since the oily fluid only escaped after the nozzle was tempered with, the cap removed, the valve opened and a seal punctured.

According to the material safety data sheet, the substance is not hazardous. The liquid is used on gravel roads to keep the dust down.

Nome building and maintenance inspector Pat Hahn noticed the spill on Wednesday, June 13, at lunchtime. "I noticed that the liquid had spread to the road and notified the police," said Hahn.

The spill had been reported to NPD a day before, but a wrong address was given and the police didn't find the actual site. When the police responded on Wednesday, the officers used NPD's spill response manual. "They went down the check list and soon found soon that it wasn't a hazardous spill," said Hahn.

The Department of Environmental Conservation was notified immediately and a DEC field agent, in Nome on different business, came to take a look at the spill of the harmless fluid. Hahn said that he and the city manager send a formal letter to Kawerak with the request to clean it up.

The cleanup effort, however, gave Hahn more chagrin as he noticed that sand dumped onto the puddle only resulted in the fluid being spread to the road and ultimately pushed into the gutter. "Most of the product went down the sewer drain," Hahn said. "Once it's in the sewer, it's totally out of our control," said Hahn. The MSD sheet cautions to keep spills out of sewers or open bodies of water, as it is insoluble in water.

A press release from the Nome Police Department said that one 250-gallon tote costs $15,000. Kawerak's engineer and transportation director Sean McKnight said the spill amounted to 550 gallons, but that the loss in dollar amounts hasn't been finalized yet. Kawerak bought 95 totes of the liquid for village dust control and kept four totes to put on Nome streets in addition to the city's dust control with 20 tons of a cheaper dust control product, calcium chloride.

The police ask the public for help and if anyone has information to call NPD at 443-5262 or the crime line at 443-7804.

Questions dog "Z" planners

By Sandra L. Medearis

Local musher Kirsten Bey, one of only a half dozen people taking the opportunity to review the Nome Planning Commission's show-and-tell zoning display at Old St. Joe's, received assurance that no matter in what zone she had her kennel presently, that use would be grandfathered in as a nonconforming use. The new zoning plan, stemming from a state-ordered land use plan approved by the City in 2005, will not outlaw property use already in progress, even a nonconforming business, unless the owner or operator abandons that use for two years.

"We are interested in existing businesses, promoting them, even allowing expansion to an adjacent lot that the person already owns," Eileen Bechtol said. "Current uses that do not conform to the new districts can continue." Bechtol is a professional planner contracted by the City for the zoning effort and other land use tasks. But Bey's follow up question along with queries from Alaska Gold Co. land manager Nikolai Ivanoff signaled that the planning panel has yet more work to do on the thoroughly hashed-over zoning plan.

How the grandfathered use was recorded and verified, Bey wanted to know. Bey could get affidavits from her neighbors or take dated photos with a digital camera, Bechtol offered, but also said the

continued on page 4

NJUS shovels stay in the shed

By Sandra Medearis

While East Front Street is blocked off this summer for state transportation crews to iron out the spine-jarring waves and troughs, there will not be a lot of disruption or dirt piles on other streets, because Nome Joint Utility System has cancelled the summer's water and sewer upgrade projects.

The reasons for shovels staying in storage are multifold, but generally involve money. NJUS is still attempting to resolve issues with funding agencies for work last summer involving reimbursement for projects. Add that to state Department of Environmental Conservation changing the scope of work planned for this summer in reducing the work they were willing to fund from $2.7 million to $1 million flat.

Because of these two dollar issues, NJUS is left without sufficient matching money for other funding. Additionally, a lot of equipment that NJUS would be able to rent in other years has been tied up with mining construction at Rock Creek.

The capper is that NJUS staff has found deficiencies in some of the pipe received last year for continued upgrade work, a problem that has to be worked out with the vendor and their supplier.

"We are not going to put questionable pipe in the ground," the utility's manager, John Handeland, said Monday.

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LEPC coordinator gives SERC wake up call

By Diana Haecker

During a recent Alaska State Emergency Response Commission Association meeting in Anchorage, Nome's Local Emergency Planning Commission coordinator Charlene Saclamana unveiled deficiencies in Alaska State regulations dealing with requirements to report hazardous chemical storage and transportation.

In the light of large amounts of hazardous chemicals and explosive components stored at the Alaska Gold Company's staging area at Satellite Field, Saclamana took issue with the lax reporting requirements by state regulators. Lax in the sense that mining facilities are exempt from submitting Tier 2 reports to local emergency services. Also, Tier 2 reports only have to be updated once a year.

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•"Z" Planners

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planning group would look at the issue. The new zoning district plan will not allow new dog kennels in general use, residential, commercial or open space districts. New kennels can occur in industrial or resource development districts with NPC permission as a conditional use.

Following up on dogs, Cari Miller noted that nothing in the plan addresses where mushers can run dog trails.

"That's a private property issue," Bechtol said.

Bechtol has been working with the Nome's Planning panel for over two years as they have diligently worked in meeting after meeting, work session after work session for many hours on the zoning issue to come up with zoning maps, zoning districts, permitted and conditional uses and grandfathered use rules. The maps have shading and hatch marks to carry out the NPC's stated aims in drawing up the zones: public health and safety; safeguarding property values, creating uniform regulations for all, reducing nuisances and saving land for desirable future use. In illustration, bulk fuel storage can be possible in industrial or resource development areas. New correctional facilities can operate only in general use, commercial or resource development districts and only then with NPC approval. And good but curious news for many of us collectors: outdoor storage, including junk, as an accessory use to any permitted or conditional use in the district is OK in all districts except resource development (needs NPC permission) and open recreational space where it is totally outlawed.

Pat Booth of Icy View attended the open house, had read the plan and had this to say on that subject: "I think the plan is fine except that it is going to allow private residences to continue to have junk. The City gives people a chance once a year during Clean Up Week to have junk hauled away free. There is no reason for people to have their own private monofills and dumps in their yards. That clause needs some work."

The plan says that the non-commercial storage of junk in a residential area cannot pose a public safety, nuisance or a hazard. And, the old adage applied, Commissioner Charlie Weiss said Monday. "People have a tendency to want to store things they think will have a use in the future, say an old snowmachine for parts, that look like junk to other people. We're not prohibiting that, but you can't have a commercial junkyard in residential zones."

The plan divides Nome and its surrounding areas into seven districts: general use, residential, commercial, industrial, resource development (mining) and open space recreation. Each zone has OK permitted uses and conditional uses. A person wanting to establish a conditional use must fill out an application, come to Nome Planning Commission, hat in hand to receive a yea or nay after a public hearing. Additionally, zone districts have uses that are outlawed outright.

For example, in residential districts, single family, multiple family, duplex and mobile home residences are permitted. However, residential use of an upper floor above industrial use is conditional and acquires NPC approval, but on premise dwelling for an owner or caretaker of a commercial use is permitted. In a general use district, all the preceding are permitted. Moving to the commercial district column, all the preceding dwelling uses are conditional and require NPC approval process except dwelling on the premise of a commercial use for an owner or caretaker.

Alaska Gold Co. is a large landowner with much of its holdings falling into the resource development districts. Ivanoff has come to the NPC meetings frequently to exercise his interest in overseeing the planning process to point out where the company does not plan to mine and discuss whether certain Alaska Gold sections would better serve future uses after mining for residential areas, bicycle trails or parks if designated residential or general use. Planners wanted to get it right and welcome public input they said, because when the plan went into law at the end of the year or sooner, changes would not be made easily, most probably needing attorneys on both sides for land use changes.

NPC has explained the plan on radio and selected members of the panel have presented at Nome Rotary and Nome Chamber of Commerce. Commissioner Charlie Weiss attended the show at Old St. Joe's to answer questions.

The commission presented the 54-page plan at a joint work session with Nome Common Council on June 14 following June 13's come-one, come-all open house at Old St. Joe's. Only councilwomen Mary Knodel and Mary Bourdon attended. Councilmen Randy Pomeranz and Stan Andersen did not attend. Councilman Jerald Brown was present, as he is also a member of NPC. Councilman Jon Larson was out of town. Knodel had read the packet and made several comments.

Interested people have until June 30 to send comments to City of Nome, members of NPC, or Bechtol in Homer. The zone plan will is slated to go to the Council for formal approval at the end of the summer, early fall.

Send comments to the City at Box 281 or deputy@ci.nome.ak.us

Bechtol can be reached at *bechtol@pobox.xyz.net.*

Planning commission members are Chairwoman Irene Anderson, Jim Adams, Jerald Brown, Gregg Smith, Tom Sparks and Charlie Weiss. Zoning maps are available online at http://www.nomealaska.org

Bechtol praised the members of the planning commission, saying, "I have always felt that planners are true public servants."

And in Nome, they are, receiving only a small stipend for their services, unlike Council members who receive health insurance paid up for themselves and their families along with state retirement credit to read packets, attend meetings prepared and discuss issues in open public process, in addition to a stipend. The late attorney Bryan Timbers served on the commission and worked on preceding coastal and land use planning as well as on the zone plan.

"I don't think we could have done it without Bryan," Bechtol said.

After discussions on how to delineate boundaries in areas where there are no streets, NPC decided to call on Bristol Engineering of Anchorage to draw up a map that will include lines along legal mining claims.

•NJUS

continued from page 1

The funding for the sewer and water is the smaller problem NJUS and its board is facing this summer, as they continue to make the rounds on state and federal piggy banks to fund the burgeoning costs of the new Snake River power generation plant, now at $30 million, more than twice the projected cost at ground breaking.

Several months ago the utility needed about $5 million to finish the project, against which they received $1.7 million through legislature, still to be signed off by Gov. Sarah Palin.

NJUS has additional requests in to Denali commission for $2.25 million and is waiting for a grant announcement from the federal USDA High Energy Cost Community Program for which Nome easily qualifies.

In the meantime, the board has mulled over funding sources for the interim.

The utility can extend its line of credit at the bank, which would have an interest rate of 6.5 percent or take out a loan from DEC at 1.5 percent. The potential there is $3 million from the drinking water fund for work at the pump house part of the power house upgrade plus $1.5 million from the clean water fund to compensate for 2004 work on water and sewer upgrades to the airport. Taking the 1.5 percent loan from DEC would seem obvious, but the board has been resisting for several reasons.

With the DEC money in the hopper, the Denali Commission might think there was no need for additional money, that the utility was fat. Utility ratepayers could end up paying for the loan in that case.

"If we sign on the dotted line, we had better have (the grant money) lined up," board member Berda Wilson said. "I want to have our eyes wide open to what the long term effect is. I think if we go with this loan we will stay with this loan.

"The board was stymied. "How the hell else are we going to pay for it?" board chair Jim West, Jr.

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NSEDC to keep valuable assets in agreement to dissolve Norton Sound Ventures

By Laurie McNicholas

Last week Norton Sound Economic Development Corporation's board of directors approved a negotiated agreement to dissolve Norton Sound Ventures, an NSEDC subsidiary, and divide its assets among its owners. NSEDC owns 59.52 percent of NSV. Individuals based in Washington State own the remainder through various corporations and partnerships. The NSV's assets include large fishing vessels used to harvest a variety of species in the Bering Sea and rights to harvest specific percentage amounts (quotas) of crab.

The board also approved development of a management agreement with Rip Carlton to manage part of NSEDC's crab quota and with the Poulsen group to manage the remainder, reports Chief Executive Officer Eugene Asicksik. He said Carlton formerly served as skipper of vessels owned by NSV.

The board's approval of the NSV agreement at a special meeting June 11 in Nome brought closer to conclusion a process that began in late July 2006 when the board decided to dismantle NSEDC's investment management subsidiary, Norton Sound Investment Corp. For the previous five years, NSIC had held NSEDC's investments in Glacier Fish Company and NSV, along with other holdings and investment accounts. The board also decided in July 2006 not to renew a contractual agreement with Steve Rieger to manage NSIC and its assets.

Rieger subsequently was hired by the board on a temporary basis to help negotiate a dissolution agreement among all partners in NSV. He and Asicksik met with the principal Seattle members on May 22 in Seattle and presented a proposed agreement to the executive committee of NSEDC's board on May 24. Because the corporation's bylaws require approval by the full board of directors for transactions of more than $1 million, the board met June 11 in Nome to consider the proposed agreement. Rieger described highlights of the agreement, emphasizing that it would not become final until all parties had approved a version that incorporates any future changes.

"If you count all that NSEDC put into NSV and got out of it, the value of the investment has approximately tripled, so it was a good investment," Rieger stated. He said the largest NSV assets in the proposed agreement are the crab quota share (rights to harvest specific percentages of the crab in several offshore Bering Sea fisheries) and next is the cod freezer-longliner *Glacier Bay*. He noted that the proposed transaction also has NSEDC ending up owning the vessel *Aleutian No. 1*. "They are the premium vessels of those NSV either owned in part or had access to," Rieger emphasized.

Asicksik said if the agreement is finalized, NSEDC will own 70 percent of *Glacier Bay*—45 percent directly, and another 25 percent indirectly through the corporation's 50 percent ownership of Glacier Fish Company.

A part of the proposed agreement calling for NSEDC to buy out 50 percent interest in the *Pacific Star* generated the most concern at the meeting. Jon Zuck said it is his impression that the *Pacific Star* is not very effective as a crab vessel. Zuck serves as harvest manager of NSEDC's community development quota of various Bering Sea fisheries. Asked by board chairman Dan Harrelson of White Mountain to identify the biggest risks in the proposed agreement, Asicksik said he has the most concern about the purchase of the *Pacific Star*. Rieger explained that the price for the vessel and its crab quota is reasonable in the context of the entire negotiation, the vessel can be leased or offered for sale, and the crab quota that comes with it has value and can be leased.

Rip Carlton described the *Pacific Star* as a Cadillac among crab vessels, but noted that it drinks a lot of fuel. Board members Joe Garnie of Teller and Walter Seetot of Brevig Mission expressed concern about the vessel's fuel consumption in a time of high fuel prices. Don Stiles of Nome said he is leaning toward approving the dissolution agreement and deciding on the issue of the *Pacific Star* later. Dean Peterson of Golovin expressed concern about timelines in reaching a dissolution agreement before Bering Sea fisheries open in August.

Noting that NSEDC may not be interested in acquiring two other vessels owned by NSV, the *Ocean Olympic* and *Alaska Beauty*, Rieger said if none of the partners want to buy them, they can be offered for public sale and all partners can split the proceeds. He said the one-page summary of the proposed agreement provided to each board member reflects the spirit of the agreement reached at the Seattle meeting.

The board approved the proposed NSV dissolution agreement by a vote of 11 to two. Seetot and Harvey Sookiayak of Shaktoolik voted against the agreement. Absent from the meeting were Paul Ivanoff of Unalakleet and Sam Mokiyuk of Savoonga.

Following the meeting, Asicksik and Rieger reviewed highlights of the agreement with this reporter and clarified comments they made during the meeting. Their explanations are reflected in this story.

•NJUS

continued from page 4

asked.

The utility is in a fix on increased costs for power plant construction because while they had to slow down work waiting for funding to squeak through, the price of steel, copper, cement and even transportation shot into the ozone. While material orders waited on his desk, vendors changed their prices and would not honor original quotes, Handeland said.

Research of studies done by construction organizations in Alaska bears out the astronomical increase in materials, due in part to the high cost of fuel and increased energy costs for production.

The loan from DEC was on the agenda for Tuesday's regular NJUS board meeting.

There was some good news Monday. NovaGold was in the process of signing a compact that day to pay $3 million for NJUS to extend heavy-duty transmission and distribution lines to Rock Creek for a potential 10-megawatt draw. Large purchases of power will help defray fixed costs for NJU consumers. The work would start the next day after the contract arrived from Fairbanks, Handeland said.

2007 Nome Adult Softball League Schedule

June 18 through June 22 Midnight Sun Tournament

Tuesday, June 26
7 p.m.
Polar vs BOT (N)
Polaris Bar vs Luck Shot Natives (S)
8:30 p.m.
Polar vs BOT (N)
AMI vs Breakers (S)

Wednesday, June 27
7 p.m.
Subway vs Breakers (N)
MC Hammers vs Bering Air (S)
8:30 p.m.
Outsiders vs BOT (N)
Luck Shot Natives vs Breakers (S)

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10	C-Span2	17
12	QVC	20
23	MTV	76
24	CNN	68
25	TBS	30
26	A&E	59
27	Turner Classic Movies	44
28	ESPN	34
29	ESPN2	35
30	Lifetime	23
31	Spike TV	38
32	TV Land	45
33	Nickelodeon	50
34	The Learning Channel	55
35	MSNBC	66
36	CNBC	65
37	The Weather Channel	71
38	Sci-Fi Channel	82
39	Cartoon Network	46
40	Comedy Central	81
41	VH-1	77
42	History Channel	58
43	Discovery Channel	56
44	USA	28
45	TNT	31
46	TOON Disney	48
47	Disney Channel	49
48	TBN	123
49	Headline News	69
50	HGTV	60
51	Food Network	61
52	AMC	43
53	Travel Channel	57
54	Animal Planet	47
55	Outdoor Channel	40
56	ABC Family	51
57	CMT	75
96	ARCS	18
98	Community Channel	12
99	HSN	21
427	Showtime Beyond	428
428	Showtime Extreme	427
New	Shop NBC	22
New	WE	24
New	Soapnet	25
New	Style	26
New	E!	27
New	Court TV	29
New	LMN	42
New	Fuse	74
New	Bravo	83
New	BET	84
New	Univision	85
New	Discovery Kids	101
New	Discovery Health	102
New	The Science Channel	103
New	Military Channel	104
New	Discovery Home	105
New	Discovery Times	106
New	Noggin	107
New	Nick Gas	108
New	Nicktoons	109
New	Wealth TV	110
New	BBC America	111
New	ESPNews	112
New	MTV2	115
New	MTV Hits	116
New	VH-1 Classic	117
New	IFC	119
New	G4	120
New	Church Channel	121
New	BYU TV	124
New	3ABN	125
New	Daystar TV	126
New	FamilyNet	127
New	i-Lifetv	128
New	INSP	129
New	Bloomberg	130
New	GSN	201
New	Biography Channel	203
New	History International	204
New	AmericanLife TV	205
New	Do-It-Yourself	206
New	GAC	207
New	CNN International	208
New	Boomerang	210
New	Sportsman Channel	306
New	SHO Next	430
New	SHO Women	431
New	SHO Family Zone	432
New	Showtime HD	601
New	Starz HD	602
New	HBO HD	603
New	MAX HD	604
New	TMC HD	605
New	Universal HD	625
New	ESPN HD	626
New	Discovery HD Theater	627
New	HD Net Movies	628
New	HD Net	629
New	TNT HD	651
New	Wealth TV HD	653

Photo by Peggy Fagerstrom

BRAVE— Nomeites and Nome Midnight Sun festivity visitors took the plunge into the icy Bering Sea last Saturday during the annual Rotary Club sponsored Polar Bear Swim on East Beach. (See story inside.)

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VOLUME CVII NO. 26 JUNE 28, 2007

Photo by Diana Haecker

SHAKE IT— Salsa Borealis lead singer Antonio Diaz, left, and dance instructor Heather Haugland, middle, taught a crowd of 70 kids how to dance the salsa during last Friday's Salsa Borealis Kids workshop. (See story inside.)

Mum's the word

By Sandra L. Medearis

The Nome Common Council met in regular session June 25 to vote final passage essentially without discussion of the 2008 spending plan totaling $22.9 million over the general fund, capital projects, special revenue, port and construction budgets. The general fund budget relies on property tax at 11 mills, for the fourth year, and takes $1.25 million from the City's savings account. City Manager Randy Romenesko briefly explained each part of the budget and the Council voted on it piece by piece.

Councilwoman Mary Knodel noted that the Nome Visitor Center was budgeted for about $200,000 and asked that NVC staff do a self study to see how it could redirect operations to draw more people into Nome.

The meeting lasted an hour and then went into executive session to discuss negotiations on a loan the federal National Oceanic and Atmospheric Administration wants the City to repay on building the causeway at Port of Nome, project costs anticipated mineral develop-

continued on page 4

Power panel grabs for cheap state loan

Sandra L. Medearis

The utility board brought the hammer down and solved its power plant funding crisis for now, voting unanimously to apply for a couple of low cost loans totaling $4.5 million from the state Department of Conservation connected to the new water plant portion of the complex. If Nome Joint Utility System has to pay off the loans it is taking to cover the gap while NJUS waits for other state and federal funding to arrive, the $600,000 in interest will cost NJUS ratepayers a half a cent a kilowatt if it were to run along for its 20-year term, according to number crunching by the utilities' manager, John K. Handeland. At no interest for the first year and 1.5 percent after that, the loan compares favorably against extending a line of credit possibly at 6.5 percent interest rate at the bank. Currently the drinking water program carries a rate of 2.5 percent, but that is to be reduced to 1.5 percent in August, Handeland said.

The utility, faced with funding delays and concurrent burgeoning materials costs, has more bills lag-

continued on page 5

Rock Creek appeal goes to court

By Diana Haecker

Plaintiffs challenging the validity of the wetlands permit issued by the Army Corps of Engineers for Alaska Gold Company's Rock Creek mine last week filed an appeal with the U.S. Court of Appeals for the Ninth Circuit as their lawsuit was dismissed by a court ruling on June 8.

The Bering Strait Citizens for Responsible Resource Development and individual plaintiffs Jana Varrati and Sue Steinacher filed a notice of appeal as a reaction to U.S. District Court Judge Ralph Beistline's decision to dismiss the civil lawsuit brought against the Corps over the issuance of a wetlands permit for AGC's first hard rock, open pit mine near Nome.

The plaintiffs maintain that the Corps did not follow National Environmental Protection Act procedures when permitting the 404 wetlands permit for the mine.

After a hearing on the motion for a temporary restraining order and preliminary injunction, US District Court Judge Beistline ordered not only that the motion was denied, but dismissed the case altogether. Beistline had to write an amended ruling as he wrote in his original ruling that the Corps' Environmental Assessment had been publicly reviewed, when in fact it wasn't. Beistline's amended ruling from June 15 now offers the base for the appeal.

The plaintiff's lawyer, Vicki Clark with the Anchorage based law firm Trustees for Alaska filed an emergency motion for a stay pending the appeal and a motion to expedite briefings and arguments as construction at the mine site is ongoing and wetlands continue to be filled.

According to the court documents, the Corps is not willing to agree to an expedited schedule.

Alaska Gold Company has intervened in the lawsuit and is a co-defendant and co-appellee.

A three-judge panel will decide within 21 days on the emergency motion for stay. Another three-judge panel will then take a look at the merit of the appeal.

Earlier in June, the Corps and the Environmental Protection Agency issued a joint guidance for their

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Photo by Nancy McGuire

DON'T MESS WITH HIM— Phil Schobert was one of the bad guys in the annual Midnight Sun festivity ritual of robbing the local bank. (See Midnight Sun story inside.)

•Appeal

continued from page 1

field offices to ensure America's wetlands and other water bodies are protected under the Clean Water Act. "The guidance supports a strong regulatory program that ensures no net loss of wetlands, which is one of three key elements to the Bush Administration wetlands policy," reads the joint press release. However, this policy is interpreted differently in Alaska. An EPA spokesperson in Washington D.C. *told The Nome Nugget* that guidance is just that —a guidance and not legally binding. The emphasis is on net loss — meaning that a cost-benefit analysis may determine that mitigation efforts are worth the destruction of wetlands as Alaska is considered different from the Lower 48 because most of the state could be classified as wetlands.

On June 5, the EPA delivered their first national estuary condition report — ranking the conditions of 28 estuaries in the lower 48. The study concludes that "habitat loss and alteration is listed as an environmental concern for all 28 National Estuary Program estuaries, and the individual NEPs have worked hard to monitor, conserve, protect and restore important habitats (e.g. wetlands) in their study areas."

•Council

continued from page 1

ment that did not materialize. NOAA has offered a settlement on the millions of dollars outstanding.

The Council, after discussing the pros and cons of attaching a covenant to the properties that require payment in lieu of taxes if purchaser is a nonprofit entity, approved the sale of seven City-owned residential lots. Councilmen Stan Andersen and Jerald Brown opposed attaching covenants to the properties, while Councilman Randy Pomeranz thought covenants would protect the City in the future on tax issues. Anderson questioned the wisdom of adding unpaid property taxes of $9,000 to an assessed value of $15,200 for a lot at 407 Steadman, saying it would kill any appetite for the lot. Romenesko agreed that although the City gained some of the lots through foreclosure, there had been costs attached, for example, shack removal.

Without discussion the Council accepted a license agreement for a fire department training area from Alaska Gold Co. Alaska Gold will allow the City to use 2.23 acres of mining company land on Center Creek Road for $1 a year renewable through 2012. NVFD has used the land with AGC permission since 1995. Hazardous substances may not be used or stored on the property.

Without discussion or any citizen offering comment, the Council approved the renewal of a permit for Cornell Companies to operate a correctional center, Seaside Community Residential Center, in downtown Nome for three years effective April 13. Neither the Council nor public had questions for Davin Anderson, Seaside facility director.

The Council approved Mayor Michels' appointment of Jeff Darling to a vacancy on Nome Planning Commission.

Danger at the docks

The Council did discuss an alert from Harbormaster Joy Baker and Romenesko about the danger of having unsupervised children use the small boat harbor docks for fishing and as a playground where cranes and vessels are operating. A couple of children have had to be rescued from the deep cold water by fishers or dredgers, Romenesko said. There are life rings throughout the harbor and the City will put up signs making the docks off-limit. Nome Police will conduct extra patrols in the dock area.

Loose enforcement on small motorcycles and motor-driven dirt bikes is over. Such must have a headlight, taillight, stoplight, turn signals and brakes to drive on public streets. Drivers of vehicles not compliant and unlicensed minors driving unregistered "street legal" motorcycles on city streets will get tickets.

"Long days and lack of parental supervision is causing some problems with certain youth in the community," Romenesko said.

Councilwoman Mary Bourdon was on vacation.

Drivers injured in vehicle accidents

By Diana Haecker

Two unrelated vehicle accidents sent a man and a woman to the hospital last Sunday. At 7:45 p.m. Alaska State Troopers received a report that Vern Johnson, 45, of Minnesota flipped a four-wheeler near mile 1.6 while traveling south on Dexter Pass Road. Trooper Aileen Witrosky said that Johnson was taken to Norton Sound Regional Hospital for treatment of injuries. Witrosky said that the 45-year-old AMI employee had hit something, which caused the Honda 4-wheeler to overturn. Johnson was not wearing a helmet. Troopers are still investigating if alcohol was a factor in the accident.

Earlier that day, another AMI employee, Dixie King, 53, of

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Around the Sound

Engagement Announcement

Adrienne Deanna Lockwood and Brett Anthony Michels, formerly of Nome and Anchorage, now living in Palmer, are pleased to announce their official engagement. Parents of the bride are Patty Lockwood (in loving memoriam) and Eric Osborne of Nome. Step-father of the bride is Vaughn Munn of Nome. Parents of the groom are Carolyn and Ryan Crowder of Wasilla and Terry Michels of Nome. The wedding will take place on Saturday, July 7, at four o'clock in the afternoon. An outdoor reception will immediately follow the nuptials. Pastor Andy Arnold of Good Shepherd Lutheran Church of Wasilla will officiate at the ceremony which will be held lakeside at the Crowder residence on Little Cottonwood Lake, Wasilla.

New Arrivals

Melly Gladys Kingeekuk and Nathaniel Allen Aanya O'Connor of Savoonga announce the birth of their daughter Tonya Lee Ann O'Connor born June 3, at 7:24 p.m. She weighed 7 pounds, 10 ounces and was 19 1/2" in length. Her proud sister is Mariah, 6. Maternal grandparents are Myron and Martha Kingeekuk of Savoonga. Paternal grandparents are Robby and Kim O'Connor of Nome.

Bertha E. Barr and Martin J. Komok of Brevig Mission announce the birth of their daughter Stephaney Jasper Elise Komok, born June 10, at 1:45 p.m. She weighed 7 pounds, 5 ounces and was 19" in length. Siblings are Shaylene R. Barr Komok, 4, and John J.O. Komok, 20 months of Brevig Mission; and Grace S. S. Tocktoo, 3 of Shishmaref. Maternal grandparents are Rita Kakoona of Shishmaref, and Arthur K. Barr of Brevig Mission. Paternal grandparents are Richard K. Komok and step-grandmother Daisy Ann Komok of Brevig Mission, and Joannn Kaningok of Gambell.

Ione Oittillian and Stanley Rookok, of Savoonga announce the birth of their daughter Kathleen Joleen May Rookok born June 13, at 12:54 a.m. at the Alaska Native Medical Center in Anchorage. She weighed 5 pounds, 15 ounces, and was 17" in length. Her brother is Aidan Jade Rookok.

Web Site

Residents of Shishmaref, an Inupiat Eskimo village whose island home is being eaten away by the sea, are turning to the Internet for help in making a multimillion dollar move to the mainland of Northwestern Alaska. "Shishmaref We Are Worth Saving!" is the message on *http://www.shishmarefrelocation.com*, the newly established web site of the Shishmaref Erosion and Relocation Coalition. "To not act represents the annihilation of our community by dissemination."

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Photo by Peggy Fagerstrom

GOLDEN BEAUTIES— A burst of yellow arnica flowers grace the ocean side of the Nome-Council road by Bonanza bridge.

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VOLUME CVII NO. 30 JULY 26, 2007

AP Photo/Al Grillo

TOE KICK SPECIALIST — Marjorie Tahbone kicks a skin ball suspended 64 inches above the floor during the World Eskimo Indian Olympics in Anchorage on July 19. (See story page 6.)

Two construction workers die at Rock Creek mine

By Diana Haecker

Two iron workers died at the Rock Creek mine last week, when the manlift they were standing on toppled and sent the basket they were in crashing to the ground. The men were working on a steel building about 50 feet in the air.

Tyler Kahle, 19, of Tomahawk,Wisconsin and Craig Bagley, 27, of Anchorage worked for Alaska Mechanical Inc., the contractor building the Rock Creek mine and milling facilities operated by Alaska Gold Company, a NovaGold Resources, Inc. subsidiary. The fall took place on Thursday, July 19 around 6 p.m.

According to Alaska State trooper John Stroebele, the men survived the initial fall.

They were transported to the Norton Sound Regional Hospital, where Kahle was pronounced dead at 7:49 p.m. and Bagley was pronounced dead at 9:09 p.m.

Troopers ruled out criminal involvement and said that it is unknown whether the incident occurred due to a mechanical reason or by operator error. Trooper Stroebele described the man-lift as a basket attached to a long arm that pivots, extends and retracts. The arm is attached to a base with four wheels. The controls for the man-lift are located inside the basket where the two men were working. A photo viewed by *The Nome Nugget*

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Council chews little fat Monday

By Sandra L. Medearis

Nome City Council shot through its agenda in a record 11 minutes Monday night, but did attempt to solve the taxi war between established taxi operators—Louis Green Jr. and Gary Hart—and Steve Longley.

Longley has been operating two vehicles under a bus license, but, Green and Hart complain, actually has been running a cab, taking calls on his mobile phone and going point to point without jumping through the licensing and insurance hoops required of taxi companies. The Council went with a solution proposed by Hart, that he transfer two of his taxi licenses to Longley to bring him into the fold of legality. According to the City, Longley has been operating in defiance of a recently adopted ordinance delineating taxi operations from bus operations. The ordinance drew a line that pencilled Longley out of the taxi business. but did not include a penalty for violation.

At their last meeting, several

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Photo courtesy of Department of Labor, OSHA

ACCIDENT SITE— The photo taken by an OSHA inspector shows the toppled JLG manlift base. It is held in place by a loader. The extended arm of the lift leans over a smaller building. Not shown is the basket the men were in when the base became unstable and tipped over.

•Rock Creek

continued from page 1

of the accident site showed the wheeled base tipped over, the boom bent over a one-story tall building attached to the steel building Kahle and Bagley were working on. The photo showed a front-end loader holding up the base of the manlift. The boom hit the roof of the smaller building, whip-lashing the basket to the ground.

What caused the man lift to tip over? Was the four-wheeled base on unstable ground? Who controlled the basket? Those and more questions are currently addressed by three investigators sent to Nome by the federal Mine Safety and Health Administration, said MSHA spokeswoman Amy Louviere from her office in Washington, DC. Louviere told *The Nome Nugget* at press time on Monday that a preliminary report may be available on Tuesday.

At press time, it was not clear when the fall occurred.

Nome emergency personnel responded to a 911 call that came in at 6:39 p.m. at the Nome dispatch center located at the Nome Police Department. NPD said that AMI office worker Bethany Torres made the call from Satellite Field, reporting a man down, saying Code Red and requesting medical assistance to the mine.

A second call was made a few minutes later, at 6:41 p.m. and said they were doing CPR and were requesting a medivac out of Nome." At 7 p.m., a third call to the Nome Police Department dispatcher – the hub for all Nome emergency calls — requested a second ambulance. Since the mine site is located outside of the Nome City Limits and therefore outside of Nome police department territory, the dispatcher contacted the Alaska State Troopers office in Nome at 6:55 p.m.

Two minutes after Nome Volunteer Ambulance Department volunteers were toned out, the first ambulance rolled out of the garage and was on its way to Rock Creek. According to Ambulance Chief Charlie Lean, the ambulance took 12 minutes – driving in the legal speed limit – to get to Rock Creek, where construction workers directed the five volunteers to the site of the fall.

From what first responders gathered, the workers were legally secured within the basket and seemed to have hit the ground standing. One worker was catapulted out of the basket and the other one was still in the basket, entangled with the railing. As the ambulance arrived, both men were lying on the ground. Construction personnel were doing CPR on Craig Bagley. As Nome emergency personnel were toned out, Nome Volunteer Fire Department Chief

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•Council

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Council members proposed a solution that got cab owners' attention, that Council stiffen the requirements for taxi operation and open the licenses to anyone who could measure up. Currently, Hart and Green own all the taxi licenses in Nome. This idea raised the specter of out of town competition. Green drew a parallel at an earlier Council meeting with happenings in Bethel, where there are almost 100 taxi drivers. Hence, Hart's offer to transfer two of his permits to Longley, lest the Council open the ride market to "Outside" competition, Hart said.

Just a minute, Councilman Jon Larson wanted to know—what happens to Longley's bus permit that the Council has held in question? The Council approved the transfer of the licenses to Longley with the condition that Longley surrender his bus license.

In other action, the Council:

•Approved hiring the City's current state legislative lobbyists, Joe L. Hayes and Wendy Chamberlain to represent the City, the schools and Nome Joint Utility System in Juneau through the next budget year. The City will pay their company, Legislative Consultants, $75,000 plus expenses, the same as last year's contract. NJUS has budgeted and will pick up a third of the cost.

•Approved a risk management plan to ensure a safe, cost effective environment for employees, citizens and tourists—and to save more money on insurance under the Alaska Municipal League's loss control incentive program that fosters safety in the workplace. City of Nome is insured under the League's joint insurance program. Last year 26 municipalities saved a combined $143,000, from which Nome received a discount of $12,335 against future insurance costs.

•Gave the state Dept. of Transportation an easement of City property to upgrade a storm drain by the Visitor's Center. In return, the AkDOT will have the City $17,163. City Manager Randy Romenesko disclosed to the Council that, thinking an easement already existed on the books, he and Mayor Denise Michels had already signed the agreement on the easement. The Council rubber-stamped the action. The City will keep the right of public access to the park and shoreline of Norton Sound.

•Received gratitude from NovaGold executives who came to thank the City for the Nome Volunteer Ambulance responders who helped during an industrial accident at the mine that took two lives Thursday evening. NovaGold also acknowledged service from Norton Sound Health Corp. emergency staff.

BLM transfers land to BSNC

By Nancy McGuire

TAKING POSSESSION— The Bureau of Land Management transferred title of land to the Bering Straits Native Corporation at a July 18 meeting at Old St. Joseph Hall. Front row: Tim Towerak, president and CEO of Bering Straits Native Corporation; Tom Lonnie, director of the Bureau of Land Management in Alaska. Back row: Ramona Chinn, deputy director of Alaska BLM Lands, and Roy Ashenfelter, Kawerak Land Management Services Program Director, who received Native allotments on behalf of Alaska Native Vietnam veterans.

The Bureau of Land Management handed over title to over 30,000 acres of land on the Seward Peninsula at the BLM Resource Advisory Council meeting July 18. The BLM transferred 30,081 acres of patented land to the Bering Straits Native Corporation. They also did an interim conveyance of approximately 3,661 acres. Four Native veterans gained title to their Native Allotments. Richard Miller was awarded 80 acres, Richard Atuk 159.99 acres, Russell Tocktoo 79.98 acres and Neal Richard Foster 79.99 acres.

The BLM traveled with members of Bering Strait Native Corporation to Glacial Lake and to Salmon Lake.

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Photo by Diana Haecker

DUST IN THE WIND— A car traveling along the Nome-Council Highway and by Fort Davis leaves a long dust cloud trailing behind. A task force from the Agency for Toxic Substances and Disease Registry will be sampling fish hung out to dry at Nuuk to test for contaminants. (See story page 6.)

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VOLUME CVII NO.31 AUGUST 2, 2007

Photo courtesy of Katherine Commack

FISH CUTTING CHAMP — 2007 WEIO (defending) Fish Cutting Champion Willa Towarak Eckenweiler of Unalakleet cut her fish in 33.25 seconds; second place Charlie Brower, Barrow cut his fish in 35 seconds; third place Miranda Rexford Brown, Anchorage cut her fish in 57 sec. Willa won in 2006. The record stands for three years in a row. Good job, Willa!

Vehicle accident kills one; injures four

Saturday July 28 around 2 p.m. a 2006 red Chevy pickup truck was traveling at a high rate of speed. It was heading east on the Nome-Council Highway. At about the one mile marker near the Stampeders Sign the truck went out of control and flipped end over end. There were five occupants in the truck. One, Victor "Kavi" Goldsberry, 31, was thrown from the truck and was pronounced dead at Norton Sound Hospital. The other four occupants: Darla Longley, 42, her teen-aged daughters Sharina and Trina Larsen, and John Jacob Wellert, 40, suffered serious injuries and were medivaced to Anchorage. Wellert was the only person not thrown from the vehicle.

The truck was registered to Darla and Gary Longley. It is reported that Darla Longley was thought to be driving and speed appears to be a factor. The four-door truck with a sunroof sustained considerable damage to its front and rear. The gravel

continued on page 4

MSHA investigates Rock Creek deaths

By Diana Haecker

Mine Safety and Health Administration investigators continue to look into the circumstances that led to the deaths of two ironworkers at the Rock Creek mine site on July 19. Tyler Kahle, 19, of Tomahawk, Wisconsin and Craig Bagley, 28, of Anchorage died after falling 50 feet when a manlift toppled while they were working at a steel building at the Rock Creek mine.

MSHA spokeswoman Amy Louviere, located in Washington, DC told *The Nome Nugget* that two inspectors— one from Kent, Washington and one technical assistant from the Anchorage MSHA field office— were in Nome until last Thursday, July 26, to conduct on-site investigations. "The inspectors looked at equipment, interviewed the employees and gathered evidence," Louviere said.

The preliminary report stated that the accident occurred at 6 p.m. on

continued on page 4

Ninth Circuit denies motion for injunction, grants expedited hearings

By Diana Haecker

A panel of judges with the 9th Circuit Court of Appeals denied the Bering Strait Citizens for Responsible Resource Development, Sue Steinacher and Jana Varrati to halt all construction in connection with destruction of wetlands at the Rock Creek mine site, but granted to expedite the review of their appeal.

The appeal to the Ninth Circuit Court came after U.S. District Court Judge Ralph Beistline dismissed BSC-RRD's lawsuit in June.

The Bering Strait Citizens for Responsible Resource Development, a Nome-based citizen group, and two Nome residents, Sue Steinacher and Jana Varrati, filed a lawsuit in April to contest the validity of the 404 wetlands destruction permit issued to NovaGold/Alaska Gold Company by the Army Corps of Engineers.

The Army Corps of Engineers is the defendant, but Alaska Gold Company intervened and gained status as a co-defendant in the matter.

BSC-RRD's attorneys at the Trustees for Alaska requested an injunction while the Ninth Circuit Court reviews the appeal.

In a brief document filed by Alaska Gold Company, the AGC opposed the injunction, saying that three quarters of the wetlands in question have been destroyed already. The document addresses the intact wetlands, saying, "In fact, no excavating or filling of previously undisturbed wetlands is scheduled for the next 90 days, allowing ample time for BSC to present its argu-

continued on page 4

Photo by Staff Sgt Mac Metcalfe

CAMP BUEHRING, Kuwait- (July 24, 2007) — Alaska Governor Sarah Palin sits next to First Sgt. Dewey Stacey Green of Nome, in an Army dining facility in Kuwait. Palin was in Kuwait visiting members of the Alaska Army National Guard's 3rd Battalion, 297th Infantry and touring base facilities.

•MSHA

continued from page 1

July 19. Tyler Kahle is noted to have died at 7:54 p.m. – a Trooper press release gave the time of death at 7:49 p.m. Craig Bagley's death occurred at 9:09 p.m.

The document says that at the time of the accident 25 mine employees and 60 AMI employees were present at the mine construction site. The report said that the 19-year-old Kahle and the 28-year-old Bagley installed siding and trim work at the time of the accident. The report listed Kahle as having had a total of 44 weeks of work experience, of which he spent 22 weeks and three days on the job at Rock Creek. Bagley was noted to have had three years of experience and had been with AMI for these three years and that he had worked 13 weeks at the mine.

The report described the accident, "Two contractor employees were in a telescopic manlift basket installing steel on a building. The boom was extended approximately 50 feet above ground level when the unit tipped over. The victim was hospitalized and died shortly after the accident."

Investigators also looked at the weather data. According to the National Weather Service, unofficial local records indicate winds recorded at the airport at 5:53 p.m. measured at three knots, from variable directions. It was fairly light winds all day, with an eight-knots wind blowing from the south at four o'clock in the afternoon.

Louviere said that investigators had been out to the mine for its first regular inspection just a few weeks ago. The findings of that first inspection were not immediately available, said Louviere.. "We enforce the law, but the mine operators are in charge of keeping the workers safe," said Louviere.

Alaska Gold Company/NovaGold Resources Inc. vice-president Doug Nicholson said that the site had been turned back to Alaska Gold and AMI when the inspectors left Nome last Thursday. "We started doing work the Saturday after the accident," Nicholson told *The Nome Nugget*. "We hope to be back up to 100 percent this week."

According to Nicholson the workers are doing fine and grief counselors were out at the mine site and available to the crews. "We're trying to put it behind us and get back to work," said Nicholson.

He said that AMI was in touch with Kahle and Bagley's families. Nicholson said that AMI had safety personnel onsite when the accident happened.

The investigators are now assessing the information gathered and will issue a report. Louviere couldn't say when the report would be available.

In the aftermath of the accident, first responders and AGC held a critical incident stress debriefing. "By nature, that's confidential and can't be discussed," said Nome Volunteer Ambulance Chief Charlie Lean. Lean, however, reiterated the need for better communication and more detailed information on emergency calls. "We are looking at more first aid training with the Gold Company, and we are sharing ideas on how to improve communication between their safety staff and the city's fire and ambulance departments," Lean said.

Since the mine is outside of the city limits, the Alaska State Troopers are in charge as the proper law enforcement agency to respond. According to the time line provided by the Nome Police Department, the troopers were notified after ambulance and fire departments were toned out. The troopers were notified at 6:55 p.m.

Sergeant Andrew Merrill said that his agency responds based on trooper protocol. "We secure the scene, evacuate people and we determine what actions need to take place and what agencies or people need to be brought in," Merrill said.

Asked about the protocol in the event of a chemical spill, Merrill said, "We have books in each trooper patrol car with placard identifications and we work closely with the Local Emergency Planning Commission on this."

"We don't contain chemical spills, we bring in the right people and agencies to deal with it," Merrill added.

Nome City Manager Randy Romenesko is on his annual leave and could not be reached for comment, and the emergency services administrator position is not currently filled.

Craig Bagley's funeral services took place in Anchorage on July 24.

A wake for Tyler Kahle happened the same day and his funeral took place the following day. Family friend Kent Richert wrote in an email to *The Nome Nugget*, "There were hundreds of people there. The line was out the door all night long. It was a very long day, lots of tears."

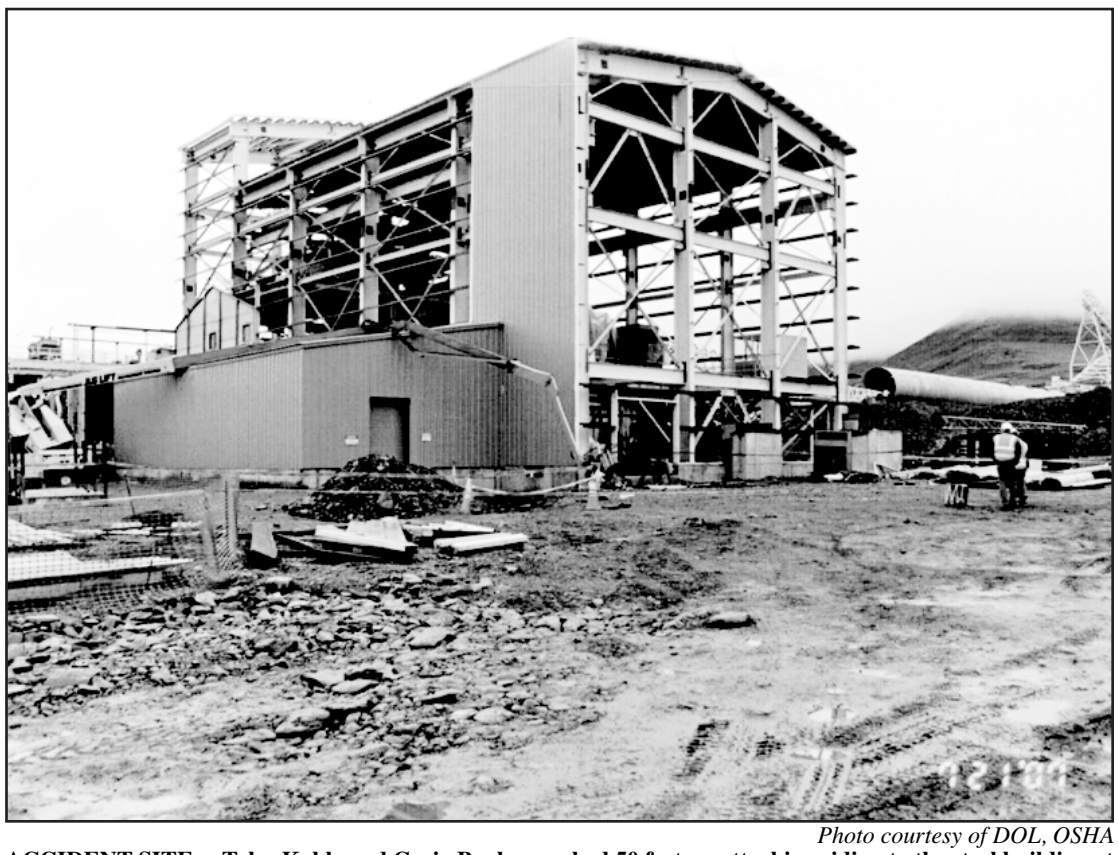

Photo courtesy of DOL, OSHA

ACCIDENT SITE— Tyler Kahle and Craig Bagley worked 50 feet up attaching siding to the steel building at the Rock Creek mine when their manlift tipped and fell over the smaller building before the basket hit the ground.

•Fatality

continued from page 1

road has a washboard effect.

The Alaska State Troopers, the Nome Ambulance and Fire Department also responded, and the Nome Police Department thanks them for their assistance. The Nome Police ask anyone who may have additional information about the accident to contact NPD at 443-5262.

•Injunction

continued from page 1

ments to the district court." Alaska Gold Company vice-president Doug Nicholson told *The Nome Nugget* that the voluntary 90-day stay was a construction decision. "Right now, we don't need to work on more wetlands," Nicholson said on Monday.

The brief continues to outline that the project was designed to minimize environmental impacts and to restore historically degraded resources. "The Rock Creek and Big Hurrah claims have been mined since the Nome Gold Rush and a century of industrial mining has left significant environmental scars," reads the introduction to the brief. "Alaska Gold and partners Bering Straits Native Corporation and Sitnasuak Native Corporation are engaged in a $77,000,000 project to breathe new life into the mining claims, remediate historical environmental harms, and help an economically benighted region." **(Editor's note: According to Webster's Dictionary benighted means "in a state of pitiful or contemptible intellectual or moral ignorance, typically owing to a lack of opportunity: *They saw themselves as bringers of culture to poor benighted peoples.*")**

The court document outlines the damage and contamination left by historical mining operations at Rock Creek and Big Hurrah by having left behind contaminated transformers, drums and dredges. Furthermore, the brief tells the judges of the 9th Circuit that, "The public benefits of the Rock Creek project, therefore, include not just the cleanup of the project sites, but also the restoration of salmon habitat in Anvil Creek, and the construction of floodplain ponds in Glacier Creek to support juvenile coho salmon, which will provide a valuable subsistence and recreational resource for generations to come."

However, it is left unclear how Anvil Creek— located in a different valley miles south of the Rock Creek mining and mill site— is to benefit from restorations. Norton Sound Economic Development Corporation, the region's Community Quota Group, is actively engaged in salmon enhancement projects. NSEDC's biologists, not AGC employees, run salmon enhancement projects, including coho egg releases in Anvil Creek, with permission by AGC to use the land.

Nicholson said that the salmon enhancement is proposed, but no scheduling has taken place yet.

Regarding the ponds in Glacier Creek, installing culverts and the creation of ponds as over-wintering habitat were stipulations to build the road. The new $8 million road was built under former Governor Frank Murkowski's Roads to Resources program, using state money to build the access road to the Rock Creek mine before it was permitted.

The road was constructed with gravel sold to DOT by AGC. Since wetlands were impacted during road construction, mitigation stipulations included the installation of culverts for fish to travel upstream at Glacier Creek and the creation of over-wintering habitat for salmon and grayling. However, the gravel pits meant for over-wintering fish habitat are not deep enough and are already dried out.

Another part of the brief describes how AGC has been actively engaged in public outreach saying, "Alaska Gold arranged at its own expense for the local paper to run a weekly article updating the community on the project and providing information on public opportunities to be involved in the permitting process." *The Nome Nugget* ran the weekly "Bucketline" opinion submissions at no charge.

In an affidavit submitted to accompany the brief, Nicholson wrote that AGC suffered additional costs connected to the Army Corps of Engineers' voluntary permit retraction from December 6 until April. Nicholson wrote that the company missed the best construction window to build the tailings impoundment structure. He wrote that the suspension of the permit caused the project completion to be delayed to the fourth quarter of 2007, resulting in the production loss of 23,000 ounces of gold, an equivalent of $12 million in revenue.

Nicholson said in the affidavit that AGC has hired 39 people, and that their construction contractor AMI employs 118 employees to build the Rock Creek facility.

If faced with a stoppage, Alaska Gold and its contractors will need to lay off almost all of the current 192 direct employees under existing or pending contracts and to forego hiring the remaining 91 employees.

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Photo by Nancy McGuire

COOLING OFF— What better way to spend a hot August afternoon? These muskoxen had the right idea as they went for a swim in the Nome River near Dexter.

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VOLUME CVII NO. 34 AUGUST 23, 2007

Photo by Nancy McGuire

SAMPLING THE CROP— Tamara Spivey, 9, checks the sweet peas at her back yard garden, which was part of last Sunday's Nome Garden Tour. See story page 8.

Feds investigate walrus deaths

By Diana Haecker

The mystery of an unusually high number of walrus carcasses washed up on Norton Sound beaches is in the process of being investigated by the US Fish and Wildlife Service.

Steve Oberholtzer, assistant special agent in charge at USFWS office of law enforcement, told *The Nome Nugget* that USFWS Nome area agent Mike Wade counted 79 dead walrus on beaches between Elim and Unalakleet in an aerial survey, most of them headless. Headless is a term used to signal that their tusks and or a part of their noseplate are missing.

"This could mean two things," explained Oberholtzer. "The walrus could have had their ivory salvaged after they washed on shore – that would be legal."

Non-natives must go to the USFWS to have the ivory tagged within 30 days. Natives can go to designated ivory taggers in their village.

But the headless walrus also can mean another thing. "Another scenario could be that the walrus were harvested on ice, the ivory removed at the time of harvest and the rest of the animal not taken. That would be illegal and that is why we have an investigation," said Oberholtzer. Oberholtzer said that most reports also said that the walrus had bullet holes in their bodies.

"We have different investigations every year on various aspects regarding marine mammals, but this one is quite different from investigations in recent years," said Oberholtzer. The USFWS has jurisdiction over polar bear, walrus and sea otter issues.

Oberholtzer said that his agency started getting reports of walrus carcasses on beaches in late June. On July 3, agent Wade flew a survey mission and counted 79 walrus bodies.

"We are in no way inferring or implying that illegal harvest has occurred," said Oberholtzer. "We are on a fact finding mission to see what caused the death of the animals and whether the ivory was harvested right after the killing or after they washed ashore."

Oberholtzer said that agent Wade flies through that area every year and that in the past ten years, the most he's seen is half that amount.

Only Alaska Natives that dwell on the coast have the right to take walrus. When a walrus is harvested, at a minimum the ivory, heart, liver, flippers, cok, and some red meat must be salvaged. Hunters may substitute other parts of the animal of equal or greater amount and take the skin instead of the liver, for example.

"Our sole investigation is the cause of death and whether it was legal or not," said Oberholtzer.

Clarice Hardy from Shaktoolik

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City evicts beach dwellers

By Diana Haecker

Unsanitary practices of a West Beach dweller led to the end of a silently tolerated practice of letting beach miners and other dwellers squat on West Beach for the summer.

The Nome police on order of the city manager, posted 13 Notice to Quit forms on beach shanties, tent sites and makeshift driftwood dwellings, telling the inhabitants to vacate the structure, pack up and move off of City property within seven days. Or else.

The eviction notices came after a police officer noticed a strong stench of human waste coming from a camper shell parked on West Beach. Nome police officer Bryan Weyauvanna had his window rolled down while driving along the beach to serve papers to a beach miner. "That's when I noticed a real strong smell of honeybucket," Weyauvanna said. Honeybuckets must be disposed of at the proper facility at the wastewater treatment plant on River Street. Weyauvanna said that one beach miner flew back to New York and another went back to New Hampshire. "Both were leaving their waste behind," Weyauanna said.

After checking which parcels of land belong to whom — the City of Nome, Sitnasuak Native Corporation and Alaska Gold Company all have land holdings in the area — City Hall consulted with the city's attorney Brooks Chandler. Chandler drafted an eviction notice and City Manager Randy Romenesko sent out Weyauvanna – with GPS coordinates of City land holdings – to post eviction notices on the beach hootches on city property.

Not so fast, say beach dwellers, who were caught by surprise by the city's action.

A beach miner going by the nickname Abalone Bob said that he believes this is wrong and that the city can't just kick him off. "I've come here for seven years now, work hard, keep a clean place here and contribute by buying all my supplies in Nome's stores and paying sales tax," Abalone Bob said. He said he intends to contest the Notice to Quit,

continued on page 4

Photo by Diana Haecker

TROUBLE CAMPER— Trash and honeybucket waste litters the area around this camper shell at West Beach. The camper started a city investigation on occupancy issues, resulting in 13 eviction notices served.

Man injured at Rock Creek construction site

By Diana Haecker

The Nome Volunteer Ambulance Department responded to a call for service from the construction site of Alaska Gold Company's Rock Creek gold mine. According to ambulance chief Charlie Lean, an ambulance was dispatched and assisted a worker, who had fallen off a ladder. Injuries appeared to be not life-threatening.

As of press time on Monday night, Alaska Gold Company officials did not respond to the request for more information. Lean could only comment that the fall was classified as a construction accident and that the patient was treated for his injuries.

Visit *The Nome Nugget* online at www.nomenugget.net e-mail: nugget@nomenugget.com

Photo by Tyler Rhodes

THE PLUNGE—Craig Perkins from the NSHC, center, joins new teachers and returning staff from the Nome Public Schools District on August 22 for a plunge in the Bering Sea.

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VOLUME CVII NO. 35 AUGUST 30, 2007

Alaska Gold plans exploration at Dry Creek

By Diana Haecker

Three Nome residents showed up for a public meeting at Old St. Joe's Hall Monday, August 27 to hear about Alaska Gold Company's plans to conduct exploration drilling in Dry Creek.

The meeting was called by two divisions within the Alaska Department of Natural Resources, namely the Alaska Coastal Management Program in the offices of project management and permitting, and the Division of Mining, Land and Water.

According to Jack Kerin of the Division of Mining, Land and Water, the meeting was a result of Nome citizens' complaints that the Rock Creek permitting process did not involve enough public participation. "The division director of the DML&W assured that there will be a public process, and here we are," said Kerin. "We learned from Rock Creek and are here to hear from what the public has to say," added Army Corps of Engineers specialist Julie Woodke.

The party hosts were there,

continued on page 7

Safety building in the hopper

By Sandra L. Medearis

The Nome Common Council is plotting on the placement and the agencies to occupy a new public safety building to house emergency and safety services that could cost up to $13 million.

Emergency response chiefs and safety heads say they need updated facilities and more room to provide services.

To get the ball rolling at this month's work session on this and public service topics, City Manager Randy Romenesko laid out three scenarios for a public safety building to go across from the existing fire station or near Nome Bypass Road to the north. These funding packages run from $13 million down to a mere $7.7 million.

Option 1 provides a full program including all departments—fire department, police department, volunteer ambulance, state troopers, emergency operations center and training areas. Option 2 includes all these agencies but the fire department, but does include one truck space and office space to stem the addition of the fire department later. Option 3 excludes the Dept. of Motor Vehicles and the Alaska State Troopers, and includes one classroom and a small residential type kitchen.

The work session, during which no decisions can be taken officially, was well attended by representatives of the agencies.

It became clear that all present wanted to be included in the new facility plans on the table. NPD Chief Paul Burke said the police have to deal with basic space deficiencies daily.

"We can't do public service the way we want to do it in the building we're in. We can't interview. We can't store evidence. The computer operating system is covered with dust," Burke said.

Charlie Lean, head of Nome Volunteer Ambulance crew, said of the ambulance building, "It is a piece of junk." He could walk upstairs and stick his hand in the space between the wall and the floor, he said. "The building is falling apart."

continued on page 4

Photo by Diana Haecker

THUMBS UP— Josie Bourdon's third grade class was thrilled to be back to school on their first day last Monday. Doing the chorus line are Bubba McDaniel, Paul Bioff, Lance Ahkvaluk, Josh Bourdon, CJ King, Kennedy Booth, Marlia Oyumik, Hannah Alowa, Briday Knodel, Cody Johnson and Skylar O'Connor

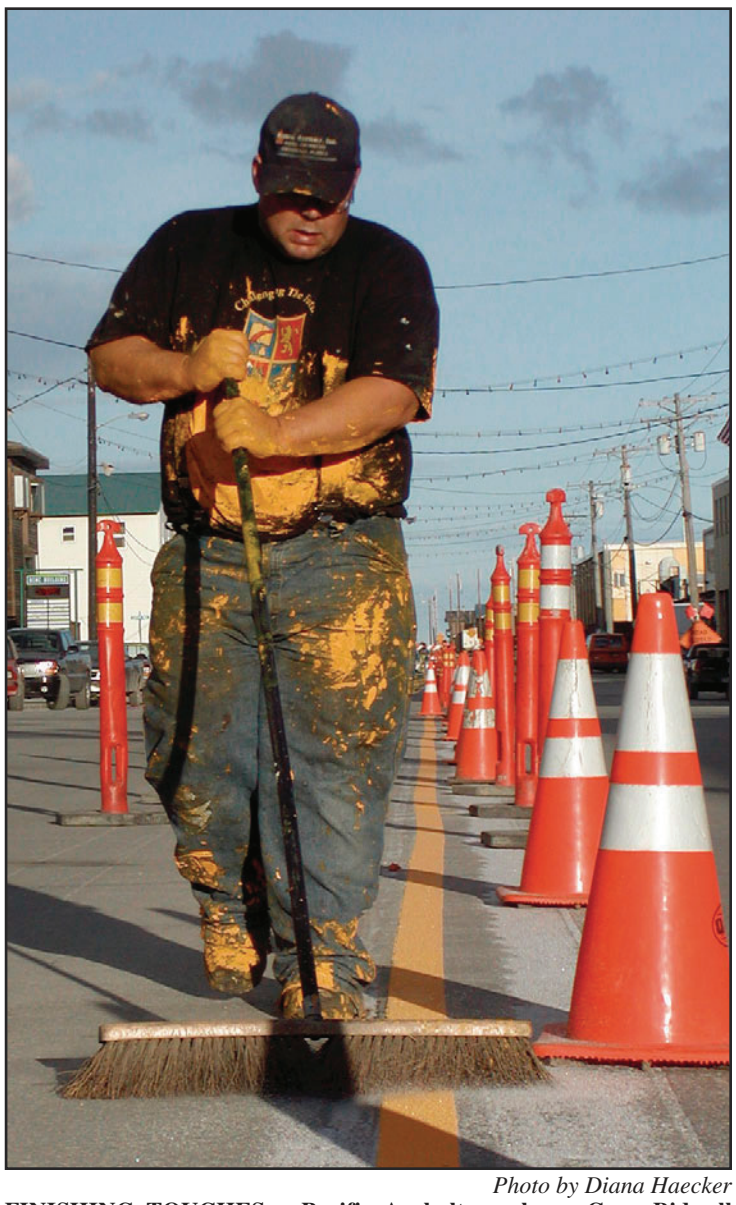

Photo by Diana Haecker

FINISHING TOUCHES— Pacific Asphalt employee Gary Bidwell sweeps drying material off the painted yellow line as his crew put the finishing touches on the newly paved Front Street.

Long summer helps with construction projects

By Diana Haecker

A spectacular summer so far has been conducive to infrastructure improvement projects in the region.

After two years of having to contend with a bumpy East Front Street after NJUS completed water and sewer service upgrades, the Department of Transportation with contractor Quality Asphalt paved and improved Nome's main drag from Steadman to K Street. "Pretty fast, pretty painless and folks were pretty understanding with all the inconveniences regarding traffic diversions," summed up DOT project engineer Blaine Galleher. Galleher said that the project finished on deadline, August 15. Last weekend, a subcontractor to Quality Asphalt, Pacific Asphalt, put the finishing touches on

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• Dry Creek

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munching on cookies, but the public was a no show.

Present were Tom Atkinson, project review supervisor at the DNR AMCP office, Sadie Wright, ACMP project specialist, Jack Kerin with DNR/ML&W, Julie Woodke, Army Corps of Engineers regulatory specialist and ACMP Nome liaison Jim Dory. The Gold company was represented by Charlotte MacCay, AGC's environmental services manager with Bristol Environmental Engineering Services, Brent Murphy, environmental engineer, Warren Woods, AGC general manager, among others.

The meeting was to inform the public about AGC plans with Dry Creek. At this point, AGCs environmental managers said, the company only submitted applications for proposed placer mining exploration and a pilot project. Emphasis was put on the word exploration.

"Beyond exploration and the pilot program, we don't have a plan in place," said Charlotte MacCay. "We don't know what's in there and there is no mine planned as of yet. It doesn't make any sense to sit here and speculate whether or not it is going to production."

Exploration plan

The plan calls for drilling up to 200 holes on 16 to 18 lines. After the drilling and examination of the samples, up to 15 pits will be dug for bulk sampling. If AGC still likes what it sees, then a pilot program kicks in, consisting of building a stream diversion, formation of a 200-250-foot wide and 250 foot long test pit and a wash plant. "The combined disturbance due to exploration and the pilot program is estimated to be 6.24 acres and 65,795 cubic yards," says the project description.

The exploration plan is subject to a Fish Habitat permit, a mining reclamation plan approval by DML&W and before these permits can be issued, the DNR office of project management and permitting needs to check if the exploration project complies with the Alaska Coastal Management program. For exploration, no Army Corps of Engineers additional permit is needed, as the exploration project falls under a general permit. AnAGC flyer handed out to the public last Monday stood corrected as it said that the Dry Creek project, "… has been determined to be compliant with the Nome and State Coastal Zone Management Plans." Tom Atkinson, however, made a point saying that this determination was made by Alaska Gold, not his office. "Whether or not the application is compliant with ACMP is up to my office. We will make that determination after we're done with the consistency review," Atkinson said.

If AGC decides that it is economical to extract the gold, a new round of permits, including Army Corps of Engineers 404 wetlands permits, need to be issued.

As for now, the exploration project is slated to work during the hours of 6 a.m. and 10 p.m., seven days a week. Brent Murphy said that AGC is willing to work with the community on this, but that the operation will also be at work on Sunday. "We're making the hay when the sun shines," said Murphy. "This is such a small scale, involving one, maybe, two drill riggs. I don't think the noise will be overly excessive. It's a small scale exploration," Murphy said. However Murphy signaled Alaska Gold Company's open door policy and invited the public to call AGC's offices with any comments or questions.

Environmental concerns

Any kind of environmental concerns addressed by the three members of the public were deemed premature since AGC has no definitive mining plan. However, MacCay said there would not be any chemicals involved in this sort of potential placer mining operation. MacCay also said that the exploration has no connection to the proposed 21st century Subdivision west of Dry Creek proposed by AGC's land management division a few weeks ago to the Nome Planning Commission. During the planning commission meeting, land managers pointed to the possibility to use mine tailings from Dry Creek mining to build roads and pads for the envisioned 21st Century Subdivision.

"No connection," said MacCay. "A mining company explores a lot more sites than are developed," she said. "At the time you don't' know what the economy is; you never know what the gold prices are and if a project is feasible. Exploration is just data gathering."

The company suggested dust mitigation by watering or using dust suppressant. Murphy again pointed out that the exploration would only involve less than a dozen workers and not more than two drill riggs, making noise or dust is not really an issue.

Bureaucracy

The public was encouraged to attend the meeting, but didn't. Now there is a window of time until September 9 to submit comments in writing to the ACMP office. Yet, how do people know what comments would be relevant to the Alaska Coastal Management consistency review?

"We suggest that you cite the state-wide standards in your comments," said Sadie Wright. "We want to know if this project breaks any state standards and laws," Wright added. So, folks wanting to comment can look up State Code 11.AAC112.250 or 11 AAC 112. Questions on how to comment can be also directed to the local ACMP liaison Jim Dory at City Hall or by going to:

www.Alaskacoast.state.ak.us

Tom Atkinson encouraged public participation in the matter and said, "We don't get a lot of public comments, so we're thrilled if we do."

By October, there will be a final determination made, said Wright. Then, AGC can work at their leisure anytime between 2007 and 2011 on the exploration project. "The company then goes forward depending on equipment and manpower availability," MacCay said.

Questions and comments can be directed to Sadie Wright, ACMP project specialist, Alaska Coastal Management Program, OPMP, PO Box 111030, Juneau, AK 99811-1030; Phone: 907-465-8791, fax: 907-465-3075,

email:sadie.wright@alaska.gov

Or contact Jack Kerin, DNR, Division of Mining, Land and Water, 3700 Airport Way, Fairbanks, AK 99709-4699, phone: 907-451-2736, email: leo.kerin@alaska.gov

Photo by Diana Haecker

EMPTY CHAIRS— Three public attendees were at last Monday's public meeting to become educated about AGC's Dry Creek exploration plans.

MSHA reports 20 mining-related deaths this year

According to the Mining Safety and Health Administration, there were 20 fatalities this year to date in the field of metal and nonmetal mining in the US. Recently posted on the MSHA website, a Stop The Fatalities initiative lists the 20 deadly accidents and includes the appeal to employers to talk to their employees about the causes of the accidents.

Reads the Stop the Fatalities document, "We need to take action now to STOP the Fatalities. Sharing information and discussing these recent accidents with the employees can help them to avoid these types of accidents in the future," says the MSHA initiative.

"A significant contributing cause in most accidents is insufficient attention to the task at hand or multi-tasking. Employees must pay careful attention to what is going on around them and to the tasks they are performing.

Fatalities since January 2007 to date

Fatality #1 - January 2, 2007 - Other - Texas - Alumina - Alcoa World Alumina Atlantic - Bayer Alumina Plant
Fatality #2 - January 25, 2007 - Fall of Roof or Back - Washington - Lead/Zinc Ore - Tech Cominco American Inc - Pend Oreille Mine
Fatality #3 - February 19, 2007 - Non-Powered Haulage - North Carolina - Limestone (C&B) - Martin Marietta Materials, Inc. - Bakers Quarry
Fatality #4 - March 23, 2007 - Machinery - Ohio - Sandstone (C&B) Oglebay Norton Industrial Sands, Inc. - Glass Rock Plant
Fatality #5 - March 30, 2007 - Other (Drowning) - Louisiana - Construction Sand & Gravel Martin Marietta Materials, Inc. - Martin Marietta Materials Inc. Plant #5
Fatality #6 - April 3, 2007. Powered Haulage. Missouri - Lead-Zinc Ore-Doe Run Company - Brushy Creek Mine/Mill
Fatality #7 - April 5, 2007 - Falling Material - Texas - Dimension Sandstone1845 Texas Stone Products, Inc. - Texas Stone Products, Inc.
Fatality #8 - April 18, 2007 - Machinery - Minnesota - Iron Ore United Taconite LLC - United Mine
Fatality #9 - April 18, 2007 - Slip/Fall of Person - Arkansas - Alumina Almatis Inc. - Arkansas Operations Mine
Fatality #10 - April 25, 2007 - Powered Haulage - West Virginia - Limestone (C&B) Riverton Investment Corp. - Essroc Cement Corp.
Fatality #11 - June 8, 2007- Machinery - Minnesota - Iron Ore Mittal Steel USA-Minorca Mine Inc. - Minorca Mine
Fatality #12 - June 12, 2007- Falling Material - California - Granite(C&B) Granite Construction Co. - Felton Quarry -
Fatality #13 - June 13, 2007- Machinery - Missouri - Limestone (C&B)Mississippi Lime Company - Ste. Genevieve
Fatality #14 - June 19, 2007- Powered Haulage - Nevada - Gold Ore Newmont Midas Operations - Midas Mine
Fatality #15 - July 18, 2007- Powered Haulage - Nebraska - Sand & Gravel Lyman-Richey Sand & Gravel Company - Pit #40 Waterloo

Fatality #16/#17 - July 19, 2007- Machinery - Alaska - Gold Ore Alaska Gold Company - Nome Operations

On July 19, 2007, two contractor iron workers (28 year-old with 3 years experience and 19 year-old with 44 weeks experience) were fatally injured at a gold operation. They were working from the basket of a mobile man lift installing material on a building being erected at the site of a future surface mine. The boom was fully extended about 90 feet above ground when the unit became unstable and toppled over.

Fatality #18 - July 24, 2007- Powered Haulage - Oregon - Sand & Gravel - Delta Sand & Gravel Company - Delta Pit and Plant
Fatality #19 - July 29, 2007- Fall of Person - Tennessee - Lead/Zinc Ore - East Tennessee Zinc Company, LLC - Immel Mine
Fatality #20 - July 30, 2007- Fall of Ground - Montana - Copper Ore - Genesis Inc. - Genesis Inc., Troy Mine

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For your safety: Always avoid paved surfaces. Never ride on public roads. Always wear a helmet, eye protection and protective clothing. Never carry passengers. Never engage in stunt riding. Riding and alcohol/ drugs don't mix. Avoid excessive speed. And be particularly careful on difficult terrain.

YAMAHA

Photo by Diana Haecker

SCENIC SHISHMAREF— Boats are anchored in the lagoon between the Seward Peninsula and Sarichef Island, home of the village of Shishmaref. Fall storms and continuous erosion problems plagued the island's inhabitants to the point that the village has voted to relocate to a safer location on the mainland. U.S. Senator Ted Stevens last week visited the seawall under construction, a federally funded erosion control project.

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VOLUME CVII NO. 36 SEPTEMBER 6, 2007

Photo by Tyler Rhodes

ROLL CALL— Randy Morton examines a tub of ducks Monday, Sept. 3, as he prepares to load them on the boat for the Labor Day duck race on the Snake River near the airport. See results page 9.

Feds, state inspect Rock Creek mine

By Diana Haecker

A number of agencies came to Nome this summer to perform inspections at Alaska Gold Company's Rock Creek Mine construction site seven miles out of town in the Snake River Valley.

Just a week before an accident that claimed the lives of two ironworkers at the site, the Mine Safety and Health Administration sent an inspector to the site to check on the MSHA compliance. After the accident, MSHA sent two inspectors out again to investigate the cause of the accident. While a complete accident report is still pending, MSHA handed nine violation citations to AGC and AMI on violations observed while at Rock Creek.

General mine manager Warren Woods told *The Nome Nugget* that he expects to hear back from MSHA on their findings of the cause of the accident in the not so distant future. "The investigation is not complete yet," said Woods. "They came, compiled the information and are now making a decision on the cause of the accident. We are expecting to hear from them shortly."

The MSHA report cites AGC's contractor Alaska Mechanical Incorporated for seven violations and AGC for two violations.

Both AMI and AGC were cited for not fixing defects on "equipment, machinery, and tools that affect safety in a timely manner to prevent the creation of a hazard to persons."

Also, MSHA cited AMI for problems with electrical conductors; not sufficiently ventilated welding operations; records of training weren't kept at the site; horns and back-up alarms weren't functional.

Alaska Gold was cited for not ad-

continued on page 5

Washington comes to Shishmaref

By Diana Haecker

Blue skies, balmy temperatures and a warm reception awaited US Senators Ted Stevens, Lisa Murkowski and U.S. Secretary of Education Margaret Spellings as they disembarked from two Air Force turbo prop planes at the runway in Shishmaref.

On the eve of the re-authorization of the No Child Left Behind legislation, US Secretary Spellings took up Senators Stevens and Murkowski on their invitation to tour Alaska and see firsthand the challenges and realities of Alaskan schools, especially in rural parts. Spellings visited Bethel before arriving on Wednesday, August 29, in Shishmaref. After a greeting by community leaders, Kawerak representatives and a few reporters at the airport, Spellings and Murkowski were whisked off to the Shishmaref School, as Stevens opted for a ride to town on a four-wheeler.

A caravan of Hondas and a couple trucks made their way on the sandy road to the school, Stevens waving to villagers standing on the side of the road.

Inside the Shishmaref School, school staff and students as well as representatives from the Bering Strait School District greeted Spellings.

Simultaneously, Stevens took the short two-hour visit to take a look at the new seawall extending from the teacher housing – threatened by fall storm erosion in the past – almost all the way to the middle of town. Stevens climbed up on the riprap barged in from Cape Nome for the project and received a complete update from Kawerak's transportation director Sean McKnight on the $6 million Army Corps of Engineers

continued on page 8

Photo by Diana Haecker

LET'S READ— U.S. Secretary of Education Margaret Spellings sat down with Courtney Merchant in Keith Conger's second grade class to read and encourage her to keep up the good work. Spellings visited rural Alaska, including Nome and Shishmaref, last week.

Nome woman indicted on murder charges

By Diana Haecker

A grand jury indicted Darla Longley last Friday on five counts related to a vehicle crash on the Nome-Council Highway that killed Victor Kavi Goldsberry, 31, and injured Longley's daughters Trina and Sharina Larsen and John Wellert, 40.

The crash occurred on July 28 near the Stampede sign, when Longley's red Chevy pickup truck went out of control and flipped.

Goldsberry was thrown out of the car and was pronounced dead at the Norton Sound hospital shortly after the accident.

Longley, her daughters and Wellert were medivaced to Anchorage.

Longley, 42, was indicted on one count of murder in the second degree for "knowingly engaging in conduct that resulted in the death of another person under circumstances manifesting an extreme indifference to the value of human life."

Longley also was indicted on a manslaughter charge for recklessly having caused the death of Victor Goldsberry and with three counts of recklessly causing serious injuries to her daughters and Wellert.

A warrant for her arrest was issued. Darla Longley was scheduled for arraignment in court on Tuesday, but the hearing was postponed to Friday, 1:30 p.m. Longley established that she couldn't afford a lawyer, and the public defender told the court that a conflict of interest existed to defend Longley. Superior court judge Ben Esch referred Longley to the Office of Public Advocacy to take up Longley's case and gave the defendant until Friday to get in touch with a lawyer.

Bail remains set at $20,000.

• Rock Creek

continued from page 1

hering to the law that prohibits smoking or use of an open flame where flammable or combustible liquids, including greases, or flammable gases are stored and handled.

Warren Woods told *The Nome Nugget*, "All these problems were abated while the MSHA inspector was still here in July."

A month earlier, an Environmental Protection Agency inspector showed up at the mine construction site for a check on the mine's implementation of their Storm Water Pollution Prevention Plan. The visit resulted in a proposed penalty of $7,600 against AGC for Clean Water Act violations. The EPA proposed a so-called expedited settlement offer to AGC "We have not yet settled. Before we can settle, we need to give the public an opportunity to comment on our proposed action. The comment period ends on September 10," explained Eva Chun, EPA compliance and enforcement officer at the EPA's Seattle office.

The EPA oversees the National Pollutant Discharge Elimination System general construction permit for storm water discharges from construction activities. The permit is issued under section 402 of the Clean Water Act. Chun told *The Nome Nugget* that a Storm Water Pollution Prevention Plan is needed for every construction site that disturbs one acre and more. A plan must be in place in order to get the permit, but Chun said that the EPA just doesn't have the man power to go over every SWPPP submitted to their office. During last month's inspection, the EPA compliance inspector went over Rock Creek's SWPPP and found deficiencies, including that the SWPPP didn't identify all potential sources of pollution. "The inspector noted that cement and explosives were at the site but not identified in the SWPPP as possible pollutants," said Chun.

The inspector also found that the best management practices outlined in the SWPPP for Rock Creek were insufficient. "Control measures were not properly selected, installed and maintained," says the EPA report. Chun, however noted that the inspector saw silt fences along Glacier Creek as a means to control storm water run off. "We look for evidence of erosion, slumps or rills forming and if we see sedimentation in certain areas," Chun explained. "We don't tell the company what they need to do in order to prevent storm water run off; we only look for evidence of erosion. When we find it, it's telling me that the prevention measures are inadequate," said Chun. Discharges on surface waters, turbidity and sediments are also signs of inadequate storm run off control. Storm water is defined as precipitation event, including storm water runoff, snowmelt runoff, surface runoff and drainage.

The inspector also noted paper work not in order, as the SWPPP didn't describe a schedule for soil stabilization actions, when major grading would take place, that no inspections were performed during the winter months and that the inspection reports weren't properly signed or certified.

To view the expedited offer and invitation for public comment go to http://yosemite.epa.gov/r10/ENFORCE.NSF/Current+Public+Notices/AK-Gold-PN/

Warren Woods commented that the EPA complaints were mostly paperwork related. "Now we 've an environmental manager on board and another environmental consultant we contract with," Woods said. Woods added that the Department of Natural Resources last week also sent inspectors from Fairbanks to inspect the site. "They were very pleased with what they saw," said Woods. A Department of Environmental Conservation engineer visit noted storm water run off deficiencies in April. Although Tim Pilon, the environmental engineer with DEC reported excessive turbidity in mine runoff at Rock Creek and Glacier Creek, the EPA could not act on it. "We require water samples from both above the disturbance and below," explained Eva Chun. Since the Rock Creek mine is located at the headwaters of Rock Creek, taking a sample of the water before its disturbance is impossible.

DEC has not acted yet on the report issued by Pilon. Explained William Ashton at the DEC, "This is still an ongoing investigation." Ashton declined any comment on what is being investigated. "We are still investigating and that's why I can't get into detailed information," he said.

Photo by Diana Haecker

THE PIT— The mine pit and the tailings storage facility are worked on.

Photo by Diana Haecker

INSPECTED— Alaska Gold Company's Rock Creek mine was inspected by federal and state agencies recently with varying results.

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Photo by Sue Steinacher

TOWERING CLOUDS— Nomeites observed an unusual phenomena this summer as fluffy cumulus clouds towered high above Nome and the surrounding country. See weather story page 9.

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VOLUME CVII NO. 37 SEPTEMBER 13, 2007

Council curbs trapping, honors Perkins

By Sandra L. Medearis

The Nome Common Council took rapid action on a dozen items of business Monday that included first readings on a trapping ordinance, and land disposal at the port, resolutions on surplus land sales, garbage processing and fee waivers for use of the town's Rec Center and Old St. Joe's meeting hall.

The trapping ordinance bars trapping in certain places within the city limits except by special permit and requires trappers to register with the City of Nome. The measure will come up for public hearing and a final vote at the next regular meeting Sept. 24.

The trapping cannot occur in the following areas of the city: south of Nome Bypass Road and Little Creek Road to Center Creek Road; within 50 feet of any residence; within 100 feet of the center line of a platted right-of-way; within 50 feet of the center of certain road easements or public use easements, ANSCA trails, the three main roads out of town and Snake, Buster and Osborne roads.

Additionally, trappers cannot set out their traps without first filling out a form at the City that names the trapper and maps the general area where trapping will occur. Special permits for the areas closed to trapping can be allowed by Council resolution declaring a public interest served by the trapping and setting specific limits on duration and number of traps.

The action stems from incidences and complaints that loose dogs ran into traps during the last season and that traps needed to be where recreationists, tourists, children and dogs would not chance upon them.

In other action the Council:

•Approved extending the contract with Nome Checker Garage (Gary Hart) to manage of the landfill increasing the operator fee by $1600 a month from $9,150 to a proposed

continued on page 4

Photo by Diana Haecker

PRESCHOOL— Parker Kenick, 3, discovered the joy of preschool on his first school day last week at the Nome Preschool.

Photo by Sue Steinacher

HEART AND SOUL—Robert Soolook Jr. of Diomede poured heart and soul into every dance during last week's 8th annual Kingikmiut Dance Festival in Wales. See more photos on page 10.

New Nome gold rush is on

By Diana Haecker

A Canadian start-up company, Millrock Resources Corp. and another Canada-based company, Andover Ventures, were on exploration campaigns this summer near Nome.

Both companies drilled within five miles of each other at different test sites, between mile 22 and mile 27 of the Kougarok Road. Millrock also drilled for test samples at Inmachuk, near Deering.

The two-month old junior company Millrock focuses on the discovery of giant metallic mineral deposits in Alaska and mainly on the Seward Peninsula, but also intends "to produce from the high grade deposits, and use existing infrastructure for operational bases in its search for large-scale deposits."

Gregory Beischer, CEO and president, said that Millrock intends to not only explore but also develop small to medium size mines. "I consider Rock Creek a small mine," Beischer told *The Nome Nugget* in a phone interview last week. "If we make a discovery, yes, we may develop and produce," Beischer said.

But Beischer cautioned that the Divide project is in its earliest stages of exploration, that the results of this year's drillings are not back yet and that no management decision has been made beyond exploring the site.

Millrock drilled five test holes at their Divide project, about 27 miles up on the Kougarok Road, on state land claims. Drilling finished in the

continued on page 4

Two Nome businesses burglarized

Two Nome businesses have reported break-ins and burglaries.

On Thursday morning Nome Police received a report that someone had broken into Morgan's Snowmobile Service building sometime during the previous night. Although the front door had been locked, personnel noticed that the door stuck when they tried to open for business. Money was the only thing taken from the store.

At 9 a.m. Thursday Joshua Osborn reported that the Norton Sound Seafood Plant was burglarized. Preliminary investigation determined that about $600 in cash was taken from the office area sometime after the plant closed Saturday evening. Police are investigating.

Nome Police ask anyone with information about these burglaries to please call the Nome Police Department at 443-5262. .

Nome Police caution folks to install deadbolt locks and properly secure valuables.

• Gold Rush

continued from page 1

last week of August and the company is currently awaiting test results. Millrock also began exploration drilling at Inmachuk on the northern Seward Peninsula near Deering. Millrock has the option to earn a 60 percent interest in the Inmachuk property from Full Metal Minerals.

Beischer told *The Nome Nugget*, "If the company makes a discovery of some sort, we will introduce our project to the community.

"We want to be a part of the mining community in Nome, but for now it's too early to say if we will go into production," Beischer said.

Beischer gave a brief background of himself, saying that he divides his time between Alaska and Canada, but resides in Anchorage. He has a position at Bristol Bay Native Corporation's subsidiary Bristol Environmental and Engineering as a Senior Earth Resources consultant. Millrock is registered in Canada as most mineral exploration and development business investments are brokered there. According to the *Mining News*, Vancouver-based Millrock Resources was formerly known as First Factor Developments, which was a shell company that had "something to do with computers," but it was listed on the TSX Venture Exchange, which made it a convenient springboard for conversion into a mining exploration company. According to its website, Alaska has been chosen by Millrock as a primary focus area because of its "outstanding geological pedigree, an abundance of undeveloped, under-explored mineral occurrences and deposits, very low degree of prior exploration, very large area of available land; Government supportive of responsible mineral development and stringent but practical environmental regulation."

On August 14, the company changed the business and its name. On the same day, the company entered into an agreement with a private group of four individuals, including David Lajack, a director of NPN, to acquire a 100 percent interest in a lode gold prospect known as the Divide Property. At the time, Philip St. George was the company's chief financial officer, but recently changed his position within Millrock to be the company's vice president of exploration. Under the terms of the letter of intent with the Canadian Investment Group NPN, Millrock can earn a 50 percent interest in NPN's rights to the Divide property by paying one half of NPN's obligations under its Divide option and one half of the costs to explore the property. Millrock functions as the operator and general partner and together with NPN jointly develops work programs and makes decisions on exploration and development.

On August 30, however, NPN Investment Group Inc.'s shareholders approved management suggestions to move the company from Ontario to British Columbia and to change its name to Alix Resources Corporation.

The other company exploring for gold opportunities just five miles away from the Divide project is Andover Ventures, also in a joint venture agreement with NPN Investments. Andover drilled seven test holes at their so-called Bulk Gold project, on mile 22 of the Kougarok Road. Test results are pending. Andover president Michael England, also director at NPN Investments, told *The Nome Nugget*," We finished drilling seven holes this summer and are still analyzing the results." England also said that so far Andover has no concrete plans to develop the property. "There are no plans in place yet, we're just checking it out," England said.

Nomeites show little interest in running for office

By Diana Haecker

Nomeites had a chance to throw their hats in the political ring and file their intent for elected office until last Friday, 5 p.m. Up for election on October 2 are two city council seats, the office of mayor, two school board seats and two utility board seats.

Incumbent Denise Michels is challenged by Phil Schobert, who is running for mayor of Nome for the first time.

Council members Jerald Brown and Jon Larson are unopposed. Jim West Jr. doesn't face competition for utility board seat A, a two-year term. Utility board seat D, a three-year term, has Steve Brock running against incumbent Berda Willson.

School board member Albert McComas runs unopposed as does Kirsten Timbers in her first bid for a school board seat. McComas fills the remainder of a three-year term. He was appointed to serve on the board when Patti Anderson resigned.

Longley pleads not guilty on murder, assault charges

By Diana Haecker

In a continued arraignment hearing last Friday in Superior Court Judge Ben Esch's courtroom, Darla Longley, 42, pleaded not guilty in response to five charges filed by the District Attorney against her.

The charges stem from a July 28 vehicle crash which killed 31-year-old Victor "Kavi" Goldsberry and injured Longley's teen-aged daughters Trina and Sharina Larsen and John Wellert, 40.

Longley was charged with second degree murder, manslaughter and three counts of recklessly causing serious injuries.

Judge Esch set a trial date for November 20, and scheduled an omnibus hearing for October 15.

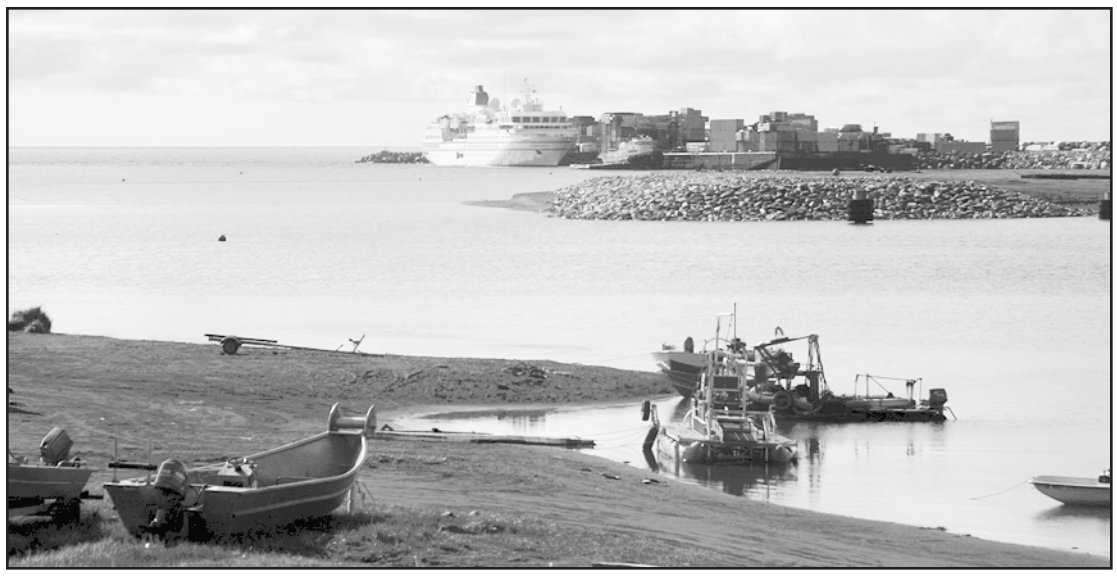

Photo by Diana Haecker

***HANSEATIC*— The last cruise ship of the season pulled into Nome last week, bringing more than 150 visitors to town for a day. Local tour guides gave tours of Nome including gold panning and a sled dog demonstration.**

• Council

continued from page 1

$10,750 per month. Conditions of the agreement remain the same except that NCG must now pay utilities at the site. The resolution noted that NCG has operated the landfill since 1996 with no request for more money and has performed to the contract as required.

•Awarded bids on the Aug. 16 sale of surplus real property. The five lots went as follows: 407 Steadman, $34,300, Hatto Eberl; 202 E. King, no bid; 403 East I St., $37,501, Greg Smith; Block 85 Lot 1 E. 6th Avenue, $34,101, Smith; Block 85 Lot 2, $34,101, Smith; Lot 2 Icy View Out of The Way, $18,950, Bill Potter; Lot 2 Icy View Out of The Way, no bid. Successful bids exceeded the minimum bids set by the City by a range of under $3,000 to just over $10,000 (Eberl).

•Awarded a bid for constructing Cell 2 at Nome Landfill to Lakloey, Inc. for $1.2 million. The money for the work—berms, road surfaces, storm water control and new litter fencing—should not affect user fees, according to City Manager Randy Romenesko. Lakloey slid under another bidder, Pro-West, by about $200,000. Money for the project will come out of Alaska Clean Water fund Loan and the City's general fund reserve account for landfill improvement.

•Recognized Chief Wesley Perkins for his service to Nome Volunteer Fire Department and the community. Wesley resigned his position in August but will stay on with the fire department where he has served for going on 30 years. He was instrumental in helping 20 firefighters get their Fire Fighter I certification.

•Authorized Nome Joint Utility to take on debt of $6.3 million to buy fuel to power its generators, anticipating utility charges and investment of revenue to cover the cost.

• Waived fees for use of Nome Rec Center for upcoming activities concerning Pioneers of Alaska Igloo No. 1 (convention) and Norton Sound Health Corporation (flu shots). Kawerak (reception for Alaska delegation) and American Legion/VFW (memorial for Jack "Stud Duck" O'Neal) received fee waivers for Old St. Joe's Hall. Councilman Jon Larson advocated looking at only partial waivers to recoup utility costs. "Our costs are much more than nothing," Larson added.

And finally, during the reading of the Council minutes, Councilman Stan Andersen said The Paper got it all wrong in saying there was unanimous consensus at the last work session on putting a high-cockalorum public safety building at the Nome Bypass site with bells, whistles, command post communications, all that. He DID NOT agree on all this out there and never would. Andersen explained after the meeting he favored building a new facility for fire department, and maybe the Nome Volunteer Ambulance, near the existing station on West Fourth Avenue. Then the police could take the added space vacated by the fire department at the current cop shop building. And when he suggested the new fire department headquarters be built by volunteers, he DID NOT mean from the department ranks, he meant by volunteers from trades in town—plumbers, carpenters, electricians. The Council has been considering the site and extent of a new public safety building to house emergency response and safety services that have outgrown their facilities.

The Council, under Andersen's urging that the process be open to the public and not in a secret meeting, sorted through a number of applications for the desk to be vacated by Romenesko, city manager, in December. The sort left three applications on the table for now with others landing in the trash for a variety of reasons—little experience, job jumping, bad grammar on application, ho-hum resume. The Council approved a three-day advertisement in the Anchorage paper this weekend and directed staff to contact a public administration program at University of Alaska Southeast to attract more applicants.

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Photo by Nils Hahn

TERMINATION DUST — A long stretch of 125 frost-free days spoiled Nomeites with warm temperatures and plentiful berries. The seasonal color changes in nature are punctuated by the first fine snow dust on high peaks in the Kigluaiks, inland from Nome.

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VOLUME CVII NO. 40 OCTOBER 4, 2007

Photo by Diana Haecker

GRACEFUL — Margaret Opie with the Barrow Suurimmaanitchuat Dancers entertains the Nome crowd at the Bering Strait Regional conference dance nights last week.

WHO wins mayoral race

Election Results will go here!

AGC's Dry Creek exploration project given the green light

By Diana Haecker

The Department of Natural Resources office of project management and permitting gave the green light last Monday to Alaska Gold Company's proposed Dry Creek placer gold mine exploration and pilot program project.

Sadie Wright, Alaska Coastal Management Program project specialist informed AGC on October 1 that she found the project consistent with the ACMP and the Nome Coastal District's enforceable policies. Wright proposed to limit the hours of operation to 6 a.m. to 10 p.m. and to attach four conditions to the Fish Habitat permit.

After a public meeting on August 27 called by various offices within the state Department of Natural Resources and attended by a representative from the Army Corps of Engineers as well as Alaska Gold Company representatives, a public comment period generated 25 comments of concerns from 10 Nome residents.

AGC proposed a placer mining exploration project and a pilot program at Dry Creek. The exploration entails drilling up to 200 holes on 16 to 18 lines, 500 feet apart. After drilling, the project description reads, up to 15 sites will be selected for bulk sampling by digging small pits and processing large samples.

The pilot program then includes building a stream bypass and processing 25,000 cubic yards of gravel from a mine pit. The combined area disturbed due to the exploration and the pilot project would be 6.24 acres.

Wright proposed four conditions attached to a fish habitat permit that Alaska Gold has to secure from the Office of Habitat Management and Permitting.

continued on page 4

Ninth Circuit Court of Appeals hears Rock Creek case

By Diana Haecker

A panel of three judges with the US Court of Appeals for the Ninth Circuit heard oral arguments last week in Seattle regarding the Bering Strait Citizens for Responsible Resource Development's appeal contesting the validity of the Army Corps of Engineers wetlands permit for the Rock Creek mine near Nome.

The Nome-based citizen's group as well as two individual plaintiffs, Nomeites Sue Steinacher and Jana Varrati, re-filed a lawsuit against the U.S. Army Corps of Engineers in April 2007 after the Corps had voluntarily retracted the original wetlands permit issued in August 2006. A three-month internal Corps investigation resulted in a new and revised permit to allow the destruction of 340 acres of wetlands at Rock Creek to construct and operate Alaska Gold Company's Rock Creek gold mine.

BSC-RRD takes issue with the re-issuance of the permit without any public involvement and refiled a lawsuit, which was dismissed by District Court Judge Ralph Beistline in June 2007.

BSC-RRD, Varrati and Steinacher's lawyers, Trustees for Alaska, appealed Beistline's judgment and took it to the next level, the 9th Circuit Court of Appeals.

A panel of judges, rather than one individual judge, are now to decide whether or not the case has a merit and if the Corps followed the National

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BLM takes comment on Seward-Kobuk land use

By Sandra L. Medearis

The federal Bureau of Land Management has completed a plan for managing Seward Peninsula land user's back yard, part of an area that affects the coastal area from north of Point Lay down to Shaktoolik and all the Seward Peninsula extending east to include the Nulato Hills.

The Kobuk-Seward Peninsula final proposed management backed by an environmental impact survey fills three volumes and covers 12 million acres of private and public land, 6.6 million of which are selected by the State or Alaska Natives. The plan intends to set goals and ease conflicts among hunters, resource developers and recreation users, all the while taking note of subsistence use, transportation and access. Planners considered four options, including no action, and selected one that takes a middle road between wide-open mining and restrictive conservation. All areas would be designated "limited" in access by ATVs. Off-highway vehicles under 2,000 pounds gross generally would not be excluded, but regulated in certain areas of concern.

What's next? A 30-day protest period commenced Sept 28. The protest is open to those who participated in the planning and would be adversely affected by the outcome. These com-

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Environmental Protection Act as well as the Clean Water Act in issuing the permits that allow Alaska Gold Company to build the first hard rock mine in the Nome area and fill 340 acres of wetlands and tundra with a mill site and vast waste rock and tailings storage facilities.

Defendants in the case are the Army Corps of Engineers. Alaska Gold Company intervened in the lawsuit and is involved as a co-defendant.

The hearing last week lasted one hour and gave each side about 20 minutes to present their cases.

Trustee lawyer Brian Litmans began his 20-minute presentation, being frequently interrupted by Judge Andrew Kleinfeld of Fairbanks, who insisted that the area the mining occurs in had been mined for 100 years since the Nome Gold Rush and that AGC proposed to reclaim areas that haven't been reclaimed in a century. While Judge Kleinfeld quoted AGC's fish habitat restoration plans and discussed the history of gold mining in and around Nome, Judge Ronald Gould inquired about procedural questions.

Litmans presented the case saying that the plaintiffs believe the Corps has not chosen the least damaging practical alternative, did not engage in a meaningful discussion of the alternatives and did not circulate a draft Environmental Assessment for the public to comment on. Also, the Trustees said that the re-issuance of the 404 wetlands permit took place without any public involvement. "We feel there was no public process, there was no time for the public to comment on the EA, let alone an EA to be circulated and all that in the light that the Corps has acknowledged deficiencies in the 2006 EA," argued Litmans.

Ryan Nelson, the Army Corps' lawyer began his argument that there have been 60 meetings over a three-year period and numerous revisions of AGCs permit proposal prior to its initial issuance in August 2006. He said that the mining takes place on private and leased land from the area's Native Corporations and that the land was specifically set aside for resource development.

Nelson also said that 81 percent of the wetlands at issue have already been destroyed. "What remains is the 170 acres that are part of the mitigation measures to be taken," said Nelson. Judge Gould asked Nelson to give him his best argument why the EA has not been circulated in draft form. Nelson said, "That's the red herring in this case. No court has ever held that a draft EA has to be circulated."

Senior Judge Betty Fletcher asked Nelson again if there had been adequate comments before the re-issuance of the new permit. Nelson answered that the plaintiffs themselves had commented with a 18-page response to the permit application but failed to say that this comment was as a response to the 2006 public comment period before the wetlands permit was issued. Judge Fletcher picked up on the error and asked for clarification again, "This is after the permit was withdrawn and before the new one came out?"

Nelson answered then that he wasn't exactly sure at what point the comments were submitted. In the Corps' opinion, NEPA requirements are filled when the "material is out there". "There is no question that the documents were available," concluded Nelson.

Judge Fletcher then said that it is concerning her that the Corps has not considered various technological alternatives that may cost the company more but lessen the environmental impact. Fletcher said that with current higher prices of gold, it may be practicable to use more expensive measures to deal with the tailings such as dry stacking as opposed to depositing paste tailings as fill on tundra. When Fletcher asked if there was an alternative to not do the project at all and if this was looked at, Nelson rebutted, saying, "If this court wants to come in and say, 'we never allow gold mining in Alaska,' well, that's one thing, but I don't think the court is entitled to do that."

Judge Kleinfeld added," This is not mining in wilderness, this is mining on previously mined land. Is there a reclamation that leaves the land worse, the same or better off in terms of the environment?"

The Corps' lawyer answered, "The Army Corps found that the property would be better off." Nelson said that AGCs mitigation plan is to clean up the mess left by previous dredging and mining activities in Big Hurrah creek. "They will clean it all up and restore it to its pristine condition as it once was," Nelson said. "Without the mitigation measures this [permit] would've probably not been approved, but the mitigation measures were strong and significant."

He added that 106 acres of wetlands would be created that have not existed before.

During rebuttal, Trustees lawyer Litmans said that it was important to note that the destruction of wetlands is taking place at Rock Creek and that the majority of mitigation is slated for Big Hurrah, an area 50 miles away from Rock Creek and that the permit as criticized by the EPA — therefore has no site-specific mitigation plans.

Michael Grisham, lawyer for AGC then made a statement saying that an Environmental Impact Statement is not necessary, "because we know what impacts will be." He also maintained that this is not a controversial project in the Nome community, but that it is not hard to find plaintiffs to oppose a project like this in any community.

Grisham also argued that an EIS would be a massive undertaking, which required a dedicated Army Corps team to devote a year or more solely to the task and that it also would mean an enormous expenditure on part of Alaska Gold.

Judge Fletcher said that this is not a proper consideration. "Either the project has a significant impact which requires an EIS or it doesn't." Grisham dissented saying that her take on an EIS isn't true and that the end result mattered.

Also discussed were cumulative impacts, meaning what cumulative impact other similar gold mine operations and the Rock Creek project would have on Nome. As there are only placer gold mines – not comparable to the hard rock, industrial mine going up in Rock Creek right now – operated in Nome, the matter remained unresolved during the oral argument. Grisham referred to the impact on Nome's port saying it is negligible since AGC is not going to barge out massive amounts of gold. However, it was failed to mention that the port sees heavy use not in what leaves, but what arrives. Materials, including explosives and chemicals needed to process the gold, come through Nome's port on a large scale. With every shipment of dangerous cargo, Nome Volunteer firefighters have to stand by with charged hoses and oversee the off-loading of goods from the barges.

The hearing now leaves it up to the panel to consider whether or not the Army Corps adhered to NEPA and Clean Water Act laws in issuing the Rock Creek permit. If they find that the Corps acted within the laws, AGC can proceed building the mine. If the plaintiffs prevail, the Army Corps permit is void.

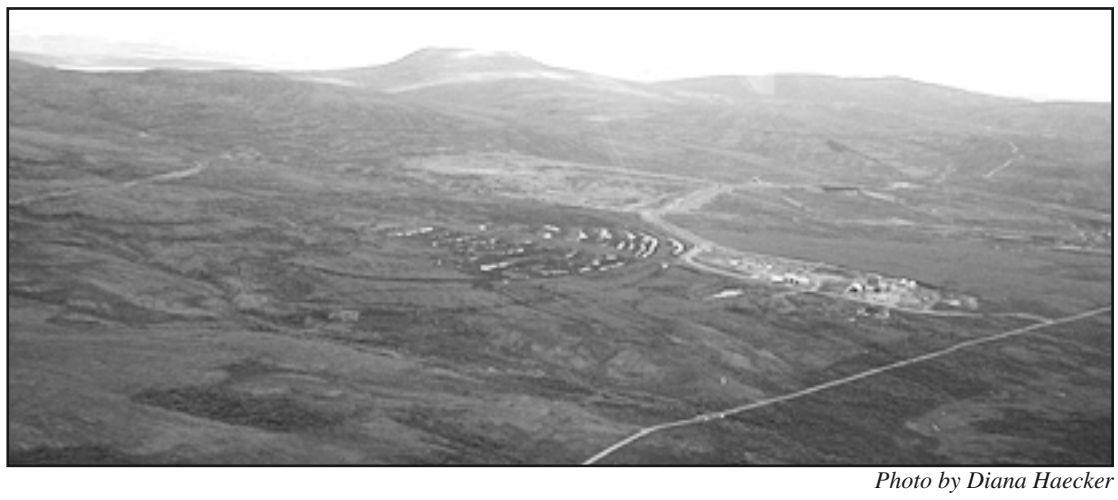

Photo by Diana Haecker

ROCK CREEK — Attorneys for Bering Strait Citizens for Responsible Resource Development, the Army Corps of Engineers and Alaska Gold presented their case at a hearing last week in the Ninth Circuit Court of Appeals. The panel now decides whether or not the Corps lawfully permitted the destruction of wetlands at Rock Creek.

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